



## Hawaiian Islands Humpback Whale National Marine Sanctuary

(Go To Meeting #55 Information Packet [Table of Contents](#))

### NON-GOVERNMENT (Voting)

Jim Coon  
*Business and Commerce*

David Hoffman  
*Citizen-At-Large*

Dale Hazlehurst  
*Commercial Shipping*

Louis M. Herman, Ph.D.  
*Conservation*

Liz Kumabe  
*Education*

Robert Bruck  
*Fishing*

Luana Howell  
*Hawai'i County*

William A. Friedl  
*Honolulu County*

James Yamamoto  
*Kaua'i County*

Cheryl Sterling  
*Maui County*

Pohai Kirkland  
*Native Hawaiian*

Teri Leicher  
*Ocean Recreation*

Adam Pack, Ph.D.  
*Research*

Michael Stanton  
*Tourism*

Reginald A. White  
*Whale Watching*

### GOVERNMENT

Marnie Meyer  
*DBEDT - OP*

Elizabeth Corbin  
*DBEDT Science and Technology*

Athline M. Clark  
*DLNR - DAR*

Vacant  
*DOH*

Dean Watase  
*DOT - Harbors*

Gene Brighthouse  
*Fagatele Bay NMS*

Jerry B. Norris  
*OHA-Voting*

Jeff Pollack  
*NMFS - Law Enforcement*

Lisa Van Atta  
*NMFS - PIRO*

`Aulani Wilhelm  
*Papahānaumokuākea MNM*

Eric Kingma  
*WESPAC-Voting*

Cindy Barger  
*US ACOE*

Eric Roberts  
*US Coast Guard*

Rebecca Hommon  
*US Navy*

### **Sanctuary Advisory Council**

Fifty-fifth Meeting

July 14, 2009

9:00 a.m. to 4:00 p.m.

Honolulu International Airport

Inter-island Terminal #4

### **DRAFT MINUTES**

### **Attendance:**

#### ***Primary Council Members Present:***

Bob Bruck, Liz Corbin, Bill Friedl, Dale Hazlehurst, Lou Herman, David Hoffman, Luana Howell, Liz Kumabe, Teri Leicher, Naomi McIntosh, Jerry Norris, Eric Roberts, Mike Stanton, Lisa Van Atta, Jeff Walters, James Yamamoto, Dean Watase

#### ***Alternate Council Members Present:***

Lindsey Kasperowicz (for Cindy Barger), Stephen Juarez (for Jim Coon), Jill Komoto, Trisha Watson (for Pohai Kirkland), Jennifer Barrett, Terry O'Halloran, Bill Worcester (for Cheryl Sterling), Joana Varawa (for Reg White), Kathy Yim

#### ***Excused:***

Cindy Barger, Gene Brighthouse, Jim Coon, Becky Hammon, Adam Pack, Jeff Pollack, `Aulani Wilhelm

#### ***Others Present:***

US Navy: Patricia Coleman

WESPAC: Kelly Finn

NOAA OLE: John Barylsky

HIHWNMS: Christine Brammer, Joseph Paulin

### **Distributed Materials:**

Meeting #55 Information Packet

- Table of Contents
- Meeting Agenda
- Action Items Report
- Chair's Report

- Sanctuary Superintendent's Report
- Sanctuary Co-Manager's Report
- Hawai'i County Report
- Honolulu County Report
- Kaua'i County Report
- Maui County Report
- Conservation Committee Report
- Education Committee Report
- Research Committee Report
- Aquaculture Working Group Report
- Blue Seas, Green Communities Working Group Report

**Additional Meeting Materials Distributed:**

- Hawaiian Islands Humpback Whale National Marine Sanctuary 2008-2009 Season Summary - Large Whale Entanglement and Whale-vessel Contact Reports Compiled by: Ed Lyman
- First International Conference on Marine Mammal Protected Areas (ICMMPA): Executive Summary
- HIHWNMS Advisory Council Charter (proposed revisions)
- Channel Islands NMS Commercial Fishing & Conservation Working Group objectives for understanding and managing ocean acidification
- US Coast Guard Report

**Other Materials Distributed via Email and Available Upon Request:**

- Meeting #54 Minutes (for approval)

**Call to Order:**

This council meeting will focus on providing an update on the sanctuary's management plan review and explore change solutions for new and emerging issues.

Council Chair Bill Friedl called the meeting to order at 9:00 a.m. Council Secretary Teri Leicher then took roll. Bill Friedl called for introductions and then reviewed the meeting agenda.

**Approval of Meeting #54 Minutes:**

Minutes from the council's 3 February 2009 meeting were previously distributed for comments. There were no comments regarding the minutes. Bill Friedl asked for a motion to approve the minutes. Jerry Norris made the motion that was seconded by Bob Bruck. The minutes from meeting #54 were approved unanimously.

## **Public Forum:**

Bill Friedl asked the members of the public to introduce themselves and called for any public comments. No comments were made.

## **Discussion on Reports and Updates:**

**Chair's Report:** Bill Friedl submitted a written report (see meeting #55 information packed attached [Chairs\\_Report](#)). Bill provided a summary of the sanctuary chairs and coordinators meeting held in Alpena Michigan May 4-7, 2009. It was a good opportunity to interact with headquarters' staff and chairs and coordinators from other national marine sanctuaries. Bill noted that management issues are very similar from sanctuary to sanctuary.

Bill discussed a report produced by the Channel Islands National Marine Sanctuary (CINMS) Conservation Working Group, "Ocean acidification and the Channel Islands National Marine Sanctuary: cause, effect, and response," (previously distributed to the SAC). Bill noted that at the chairs and coordinators meeting, Dan Basta, Director, ONMS, encouraged advisory council chairs to talk with their councils and consider adopting a resolution regarding ocean acidification. Bill provided a draft resolution in his report and suggested further discussion during new business.

Bill also briefly discussed proposed revisions to the HIIHWNMS Advisory Council Charter (previously distributed to the council) that included language for the addition of a non-voting youth seat to the council. He suggested further discussion during new business.

**Sanctuary Superintendent's Report:** Naomi McIntosh submitted a written report (see meeting #55 information packed attached [Sanctuary\\_Superintendent\\_Report](#)). Naomi discussed humpback whale response efforts and highlighted the "Hawaiian Islands Humpback Whale National Marine Sanctuary 2008-2009 Season Summary - Large Whale Entanglement and Whale-vessel Contact Reports," compiled by Ed Lyman, HIIHWNMS Marine Mammal Response Manager.

Naomi also provided a summary of the International Conference on Marine Mammal Protected Areas (ICMMPA) held on Maui, Hawaii from 30 March to 3 April 2009 (see attached executive summary). She noted that the conference was a success and a true international forum. France has agreed to host the 2<sup>nd</sup> ICMMPA and proposed that the conference be held in December 2011. Conference working groups provided several recommendations regarding marine mammal conservation efforts. The recommendations will be included in the conference proceedings tentatively scheduled for release in August of 2009. The HIIHWNMS is currently exploring the possibilities of sister sanctuary agreements with Komandor Islands State Nature Biosphere Reserve in Russia, Gwaii Haanas Park in British Columbia Canada, and Glacier Bay National Park; all of which are visited by some of the same individual humpback whales migrating from their warm-water breeding area to cold-water feeding grounds.

Naomi discussed the opening of HIHWNMS Learning Center that took place on 13 April 2009 at the sanctuary site in Kihei, Maui. The center will offer more opportunities to engage communities and build partnerships. The opening was attended by Dr. Jane Lubchenco, the newly appointed NOAA Administrator, in addition to Senator Daniel K. Inouye, Senator Daniel K. Akaka, and Kimokeo Kapahulehua who were recognized for their vision and support of the facility.

Naomi gave a summary of Capitol Hill Oceans Week in Washington D.C. She also recognized sanctuary volunteers of the year Ship and Gloria Synder who participated in a number of events during the week.

Naomi discussed SAC coordination and the formation of a change solutions working group. The purpose of the working group will be to address new issues facing the sanctuary and the council as they arise. Issues that were discussed included a greening initiative, video conferencing, and funding shortfalls.

### **ACTION:**

*Bill Friedl asked for a motion to establish a working group to address change solutions. Luana Howell made the motion that was seconded by Bob Bruck. The motion passed unanimously. Bill asked Terry O'Halloran to chair the working group, Terry agreed. Those wishing to participate should contact Joe Paulin.*

**Sanctuary Co-Manager's Report:** Jeff Walters submitted a written report (see meeting #55 information packed attached [Sanctuary Co Manager Report](#)). Jeff discussed on-going field resource protection efforts including whale stranding and response efforts and monk seal conservation.

Jeff also discussed the aquaculture section of his report. Kona Blue Water Farms (KBWF) withdrew its CDUP application to expand its kahala (amberjack) raising farm off Keahole Pt, Hawaii Island. KBWF was issued a permit in June to modify current cages which would not increase their footprint.

Additionally, Jeff discussed vessel-whale contacts and associated reporting efforts. Jeff explained that the information is a preliminary assessment of staff response efforts which may change as a result of further investigation. The information is not a legal finding.

Bill Friedl made a comment that the decrease in the number of vessel-whale contacts may be a result of increased sanctuary boater education programs.

Mike Stanton commented that if the humpback whale population is increasing you might expect to see an increase in vessel-whale contacts.

Jeff Walters commented that we can't be sure of why the number of vessel-whale contacts has decreased.

## **ACTION:**

*Bill Friedl suggested that the SAC acknowledge the efforts of Ed Lyman and his report “Hawaiian Islands Humpback Whale National Marine Sanctuary 2008-2009 Season Summary - Large Whale Entanglement and Whale-vessel Contact Reports.” Bob Burke made a motion that was seconded by Luana Howell. The motion passed unanimously. Bill asked the managers to forward the information.*

**Hawai‘i County Report:** Luana “Nan” Howell submitted a written report (see meeting #55 information packed attached [Hawaii County Report](#)). Luana mentioned that Justin Viezbicke was interviewed on the Big Island Visitor’s Channel (cable 9) about disentanglement efforts. The program is shown 3-4 times daily. Additionally, Luana discussed extensive outreach efforts with school children on the Big Island.

Luana also provided an update on the Hawaiian monk seal hooked near Kapa Naia Beach. The seal was transported to O‘ahu by the USCG for a removal procedure and then returned to the Big Island for release. Additionally, a necropsy was conducted on a pygmy sperm whale that beached near north Puako. Turtle response efforts will also be taken on in addition to response efforts for whales, dolphins, and seals.

**Honolulu County Report:** Bill Friedl submitted a written report (see meeting #55 information packed attached [Honolulu County Report](#)). Bill discussed his recent activities including participating in the O‘ahu Ocean Count as a site leader, commenting on the Draft Statewide Large-Capacity Ferry Environmental Impact Statement, attending the International Conference on Marine Mammal Protected Areas, and updating the Hawaii section of the Marine Technology Society on sanctuary activities.

**Kaua‘i County Report:** James Yamamoto submitted a written report (see meeting #55 information packed attached [Kauai County Report](#)). James talked about the volunteer work he is doing with Hawaiian monk seals. He is pup sitting (Hawaiian Monk Seal Conservation Hui) twice a week on the north shore at Larson’s Beach.

*Bill Friedl acknowledged James for his recent donation to the Kauai sanctuary program that included 10 pairs of new binoculars and a desktop computer.*

**Maui County Report:** Cheryl Sterling submitted a written report (see meeting #55 information packed attached [Maui County Report](#)). Bill Worcester, Maui County Alternate attending in place of Cheryl, introduced himself to the SAC.

Bill Friedl noted the water quality section of the Maui County report and recommended that the SAC keep an eye on the use of injection wells on Maui and potential negative impacts on nearshore coral reefs.

**Conservation Committee Report:** Lou Herman submitted a written report (see meeting #55 information packed attached [Conservation Committee Report](#)). Lou noted that the SAC Conservation and Research Committees meet jointly every month via conference call. Lou stated that the calls are a good way to stay current between SAC meetings and encouraged anyone who was interested in participating in future calls to contact Joe Paulin to receive meeting announcements. Lou discussed the past several conference calls:

*18 March 2009* - David Mattila provided a report. Lou acknowledged the participation of David Mattila, stating that David is well informed on international whale-related issues and a great resource. Lou noted that vessel-whale contacts appear to be decreasing, but reported entanglements are on the rise.

Additionally, Lou discussed the Kona Blue Fish Farm operation. He mentioned that the company is proposing to alter their current cages and raise them closer to the surface of the water to make them more easily accessible to their divers. Lou noted apparent problems with fouling, fish escapes, and dolphin habituation to the cages.

*Lou also suggested that the Aquaculture Working Group continues to monitor the situation.*

17 April 2009 – Marc Lammers and Adam Pack provided an update on spinner dolphin research. They discussed current pressures from dolphin-watching operations on spinner dolphin resting areas and believe if these pressures continue they could lead to changes in habitat usage.

*Lou Herman suggested that the SAC form a spinner dolphin working group that includes tour-boat operators.*

1 July 2009 – David Mattila provided a briefing on the International Whaling Commission meeting that took place in June. Lou discussed a proposal by Japan to cease whaling in the Antarctic to resume Minke whaling off the coasts of Japan where the population is considered at risk.

Greenland requested permission to take 10 north Atlantic humpback whales under aboriginal subsistence hunting. If approved, this would be the first legal taking of humpback whales since the moratorium. The IWC appointed a scientific committee to gather further data.

David Matilla reported that the use of scar photos in the Gulf of Maine has yielded estimates of death due to entanglement orders of magnitude above previous estimates. Ed Lyman reported that 40% of whales entangled in Hawaii are traced back to Alaska.

The IWC has proposed an international database on ship strikes. There is concern, however, that the database will not have accurate information without some type of vetting process.

Studies on the East coast showed that ambient noise impacted North Atlantic right whales by masking their vocal communication.

Finally, the Committee noted the growing tension between fishermen and conservation plans for the monk seal, fueled in part by a lot of misinformation.

**ACTION:**

*Lou Herman suggested that the SAC should form a Monk Seal Working Group. Bill Friedl stated that the Executive Committee will take up the issues of potential spinner dolphin and monk seal working groups at their next conference call on 5 August 2009.*

Kelly Finn asked about the conservation concerns associated with monk seals. Lou Herman responded that the proposed working groups could look into partnering with conservation groups and resolving possible conflicts between seals and local fisherman. Teri Leicher stated she is interested in participating in a monk seal/spinner dolphin working group.

Lisa Van Atta offered to give a presentation on spinner dolphins at a future meeting. The National Marine Fisheries Service is currently addressing issues involving both monk seals and spinner dolphins.

Trisha Watson, Native Hawaiian Alternate, discussed human-monk seal interactions. She noted a meeting that took place on O'ahu that included fishermen from Moloka'i, O'ahu, and NOAA NMFS. She explained that misinformation about monk seals on the island of Moloka'i may be a contributing factor to increasing tensions of fishermen regarding seals. Some seals have also gotten aggressive with fishermen, taking fish off their lines. Trisha also noted that there are local misconceptions about the government relocating seals to Moloka'i. She believes increasing outreach efforts will help to address misconceptions about monk seals. Trisha said she could be contacted at 808-392-1617 or [watsont@honuaconsulting.com](mailto:watsont@honuaconsulting.com) for more information.

**ACTION:**

*Bill Friedl recommended that the members of the Conservation Committee work with Naomi McIntosh, Jeff Walters, and Lisa Van Atta to address the issue.*

Naomi McIntosh stated that she would be happy to explore any ways that the sanctuary could get involved with monk seal conservation efforts.

*Lou Herman suggested that the SAC consider inviting a fishing representative to present on the issue of unwanted interactions with monk seals.*

Bob Burke asked what fishermen are having unwanted interactions with monk seals.

Trish Watson stated that both nearshore and offshore fisherman are experiencing unwanted interactions with seals. Trisha suggested, if possible, that satellite tags be placed on seals in the areas where conflicts are taking place to try and determine what seal(s) are involved in the situations. Trisha further stated that the fishermen experiencing unwanted interactions with seals feel that nobody cares and that nothing is being done to address the issues. Trisha noted that she

encouraged the fishermen to make NOAA and DLNR aware of the unwanted interactions that they are experiencing.

Bob Brucke, Fishing Representative stated that he had not previously heard about the unwanted interactions between seals and local fishermen. Bill Friedl stated that anything that Bob could do to address the issue would be appreciated.

Kelly Finn suggested holding a community meeting with the fishermen experiencing unwanted interactions with seals. Trisha Watson suggested a small group/one-on-one approach, not a big meeting.

Jeff Walters stated that it's a complicated story with a lot of players. There is definitely a role for the sanctuary, but it needs to be well thought out and coordinated.

Bill Friedl stated that he appreciated the information presented by Trisha Watson and that the SAC should look into possible ways to get involved.

**Aquaculture Working Group Report:** Mike Stanton submitted a written report (see meeting #55 information packed attached [Aquaculture Working Group](#)). Kona Blue Water Farms ( Kona Blue ) have requested permission to reduce the number of their fish pens, while increasing the overall size of each pen located off Unualoha Point. DLNR have published a finding of No Significant Impact on that supplemental assessment request.

Bill Friedl acknowledged the following:

**Education Committee Report:** No report was submitted.

**Blue Seas, Green Communities Working Group Report:** No report was submitted.

**Research Committee Report:** Adam Pack submitted a written report (see meeting #55 information packed attached [Research Committee Report](#)).

**Break:** Bill Friedl called for a break at 11:00 a.m.

**Call to Order:** Bill Friedl reconvened the meeting at 11:15 a.m.



## **Presentations:**

### **MANAGEMENT PLAN REVIEW (MPR):**

Naomi McIntosh gave an update on the sanctuary management plan review process. Naomi mentioned that like all other sanctuaries, the HIIHWNMS received no additional funds to support the MPR process that resulted in the delay of public scoping meetings. She identified several needs for the MPR process including:

- Development of spatially based maps that identify areas of biological importance for protected resources currently under consideration for possible inclusion in the sanctuary.
- Identify and support opportunities to engage the public in the Sanctuary's management plan review process.
- Balancing human activities & resource protection
  - Emphasis that the management plan review is an opportunity to help plan and build capacity to meet the current and future resource protection needs of the sanctuary.
  - Allows for the consideration of additional protection for marine resources of national significance and importance.

Naomi stated that MPR is an opportunity to look at the future management of the sanctuary and address current challenges; ways that sanctuary programs could help in the conservation efforts of other species; working with other organizations towards common conservation goals; and designing plans to address emerging issues.

Naomi also noted that Dan Basta assembled an MPR advisory body that met on 3 June 2009. Several action items were identified. Sanctuary staff began meeting with constituents this summer including, among others, an MPR constituency-building meeting with the Oahu Chapter of Hawaii Surfrider Foundation in June; a HIIHWNMS MPR workshop to be held at the Hawaii Conservation Conference on 31 July 2009; and a day camp for students and movie in the park on Lana'i on 8 August 2009.

Naomi stated that the MPR scoping process will be formally initiated this fall with a series of issue-based meetings with constituent groups on the various islands. The constituent meetings will be followed by the "official" public scoping meetings in the spring of 2010. Naomi noted the following needs and strategies that were identified:

- 1) Seek partnerships with organizations that may have existing data to develop spatially-based maps including information on species and associated habitats to identify "hot spots" of biological importance.
- 2) Identify key constituents within the "hot spots" areas.

3) Address the following questions:

- What resources do we want to protect (why and how)?
  - What specific places can we focus efforts to best protect the identified resources?
  - What community issues (some will be social issues) exist in these areas within and adjacent to the sanctuary?
  - How do we achieve community support and ownership?
- 4) Utilize a scoping process to develop a strong community “buy-in” and ownership that will include:
- Pre-scoping constituent meetings to begin in summer 2009
  - Formally announce the scoping process with Federal Registry Notice in the fall of 2009 and continue constituent meetings and presentations
  - Hold public scoping meeting in the spring of 2010

Discussion followed. Lou Herman asked if other species will be added as part of the revised management plan. Mike Stanton asked if specific species have to be named. Naomi responded that specific species were identified through a process that included the state with the support of the governor. Naomi went on to say that so far the sanctuary focus has been to provide enhanced protection for the humpback whale as a single species sanctuary. She asked if it is time that the sanctuary moves towards a system of place-based management. Naomi noted that there are habitats within the sanctuary that are unique and posed the question would it make sense for the sanctuary to explore the need to not only protect humpback whales and their habitat but also emphasis protection for other special important biological habitats within the sanctuary? ?

### **ACTION:**

*Bill Friedl suggested that the SAC members assist with further development of constituency lists and help facilitate meetings with key community members leading into the MPR scoping process.*

### **HAWAIIAN MONK SEAL UPDATE:**

Lisa Van Atta and Jeff Walters provided a presentation to update the SAC on monk seal conservation efforts.

*The following information was provided by Lisa Van Atta:*

#### ***NOAA Fisheries***

##### **Pacific Islands Regional Office (PIRO)**

- Responsible for managing marine resources in federal waters surrounding the U. S. Pacific Islands

##### **Pacific Islands Fisheries Science Center (PIFSC)**

- Provides scientific foundation for conservation & sustainability protected species in the Pacific Region

### ***Protected Resources Division***

Jurisdiction over the protection & recovery of federally protected marine species as mandated by:

#### **Endangered Species Act of 1973**

- Conservation of species in danger of extinction

#### **Marine Mammal Protection Act 1972**

- Conservation of marine mammals regardless of status

### ***The Hawaiian monk seal is in crisis:***

- The population is in a decline that has lasted 20 years
- Around 1,100 monk seals remain
  - 6 main subpopulations = 1,106
  - MHI = 83
- Population will fall below 1000 animals in the next 5 years

### ***Threats to Population***

- Food limitation
- Shark predation
- Entanglement in marine debris
- Infectious disease
- Habitat loss
- Fishery interactions
- Male aggression
- Human disturbance
- Biotoxins
- Vessel groundings
- Contaminants

### ***2007 Revised Recovery Plan: [www.fpir.noaa.gov/PRD/prd\\_hawaiian\\_monk\\_seal](http://www.fpir.noaa.gov/PRD/prd_hawaiian_monk_seal)***

- Delineate reasonable actions to recover & protect listed species
- Guidance & planning document
- Goal: to assure long-term viability of Hawaiian monk seals

### ***4 key actions required to move towards recovery:***

1. Improve juvenile female survivorship in NWHI
2. Maintain extensive field presence in NWHI

3. Ensure continued growth in MHI by reducing threats
4. Reduce probability of infectious disease introductions

### ***Recovery Team***

- **William Aila, Jr.**
  - *Native Hawaiian Representative*
- **Don Bowen**
  - *Bedford Institute of Oceanography*
- **Paul Dalzell**
  - *Western Pacific Fishery Management Council*
- **Brian Funai**
  - *Recreational Fishing Representative*
- **Bill Gilmartin**
  - *Hawaii Wildlife Fund*
- **Josh Ginsberg**
  - *Wildlife Conservation Society*
- **Dan Goodman**
  - *Montana State University*
- **Frances Gulland**
  - *California Marine Mammal Center*
- **Rebecca Hommon**
  - *U.S. Navy Region Hawaii*
- **Lloyd Lowry**
  - *Chairman*
- **Susan White**
  - *Papahānaumokuākea Marine National Monument -FWS*
- **Don Sniff**
  - *University of Minnesota*
- **Jeff Walters**
  - *Dept. of Land and Natural Resources*
- **Aulani Wilhelm**
  - *Papahānaumokuākea Marine National Monument – NOAA*

### ***Stakeholders***

- State of Hawaii (DLNR, DAR, DOCARE, DOFAW, KIRC)
- Papahānaumokuākea Marine National Monument
- Hawaiian Islands Humpback Whale National Marine Sanctuary
- U.S. Coast Guard
- U. S. Fish and Wildlife Service
- U.S. Navy
- U.S. Coast Guard
- National Park Service
- County agencies (Ocean Safety)
- Hawaii Pacific University

- University of Hawaii at Hilo
- Hawaii Wildlife Fund
- The Marine Mammal Center
- Hubbs Sea World
- Marine Conservation Biology Institute
- Sea Life Park Hawaii
- Waikiki Aquarium
- Numerous research & academic institutions

### ***Other Management Activities***

- Rehab of displaced & abandoned seals
- Respond to habituated seals
- Investigation for potential relocation sites
- Necropsies
- Monitor puppings

### ***Outreach & Education***

- Semi-annual Monk Seal Counts
- Fairs and festivals building volunteer capacity to perform outreach
- Volunteer program & manual
- Volunteer website:
  - monkseal.org
- Fact sheets & brochures

### ***Monk Seal Critical Habitat***

**1986:** Critical Habitat was designated for all:

- beach areas
- sand spits and islets
- beach crest vegetation to its deepest extent inland
- lagoon waters
- inner reef waters
- ocean waters to depth of 10 fathoms (18.3 m) around:
  - Kure Atoll, Midway Islands (except Sand Island), Pearl & Hermes Reef, Lisianski Island, Laysan Island, Gardner Pinnacles, French Frigate Shoals, Necker Island, and Nihoa Island

1988: CH extended to include Maro Reef & waters out to the 20 fathom (36.6 m) isobath.

**July 2008:** NMFS received petition requesting a revision to present critical habitat designation under the ESA

- **Expand the current critical habitat in NWHI**
- **Designate additional critical habitat in MHI**

**June 2009:** NMFS 12-month finding

- Reviewed & summarized best available information (monk seal biology & habitat use)
- Included next steps to revise the monk seal's critical habitat
  - Undertake rulemaking

***Additional Sources of Information***

- PIRO Website: [www.fpir.noaa.gov](http://www.fpir.noaa.gov)
- Volunteer Website: [www.monkseal.org](http://www.monkseal.org)
- Report Entangled or Injured Seals: **888 - 256 - 9840**

Discussion: Trisha Watson mentioned that one concern with monk seals is that even though they are mentioned in the migration chant, they are not mentioned in the Kumulipo. There have also been multiple names used for monk seals. Jeff Walters noted that there is a reference to a walrus in the Kumulipo, possible mistranslation.

Lou Herman asked if anyone has tried to carbon dating older monk seal bones. Lisa Van Atta said that efforts are currently underway to look at all available information.

Eric Roberts mentioned that it may be a good idea to officially add the USCG to the monk seal team as it would help to justify hours needed to assist with relocation efforts.

Jeff Walters provided the following information:

***Current Role of Sanctuary (NOS and DAR) in Monk Seal Conservation***

- At request of DLNR leadership, NMFS, and local communities, state and federal sanctuary staff support NMFS in various capacities as “demonstration project”
- In context of statutory requirement to consider adding new species to the sanctuary (via MPR)
- State sanctuary program at DLNR takes overall lead in coordinating sanctuary monk seal efforts,  
in context of State's separate authority  
under HRS 195D
- Funded by NOS, NMFS, and State

***Hawaiian Monk Seals in the MHI Current Sanctuary Role - NOS and DAR***

**“Routine” Haul-Out Response**

- Seal protection zones (SPZ's) set up and managed around seal on shore
- Utilizes volunteer response network –  
training, equipment, coordination, etc.,  
managed by sanctuary staff

- 1000+ responses per year on Kauai  
250+ responses per year on Big Island  
100+ trained volunteers

### **“Emergency” Response**

- Injured, hooked, and entangled seals need immediate response
- Requires coordination, permitting, travel support, equipment for veterinarians, staff, etc.
- 10+ responses per year on Kauai  
5+ responses per year on Big Island  
5+ response other islands

### **“Pupping Events”**

- Mother and pup require protection and monitoring over 6-week long nursing period, pup frequently requires relocation, etc.
- Requires 1000’s of person hours, volunteer coordination, etc.
- 3+ pups per year on Kauai  
2+ pups per year on Big Island

### **Managing “Special Seals”**

- “Conditioned” seals become “nuisance” animals, requiring frequent intervention, monitoring, relocations, etc.

### **Education and Outreach**

- Staff and volunteers conduct numerous public events and activities to raise awareness, protect public safety, and reduce “take”
- Staff design, produce and install signage

### **ESA, MMPA Compliance**

- State (DLNR) sanctuary staff take lead on applying for the State’s ESA Section 10 Incidental Take Permit (ITP)
- State sanctuary staff obtain and administer ESA Section 6 grant from NMFS for ITP and related activities

### **Implications for MPR**

#### ***What Should be the Future Sanctuary Role (NOS and DLNR) in Monk Seal Conservation ??***

- Formalize current role (preferred alternative ?) – facilitating “human-seal coexistence” through field response and education, largely non-regulatory ?
- Add’l regulations ?
- Other roles ?

### **ENFORCEMENT UPDATE:**

Eric Roberts provided a report on USCG marine protected species activities in the Hawaiian Islands Humpback Whale National Marine Sanctuary from 1 January to 30 June 2009 (see meeting #55 information packet attached).

John Barylsky from NOAA OLE participated in the meeting for Jeff Polack who was on leave. John provided an update of OLE activities. He reported that Jeff Polack and Eric Roberts offered (7) boater education workshops during the 2008-2009 whale season. John also provided a summary of notice of violations.

**ACTION:**

*Bill Friedl suggested that the SAC write a letter to the USCG and NOAA OLE to thank them for their increased enforcement efforts.*

**Break:** Bill Friedl called for a lunch break at 12:30 p.m.

**Call to Order:** Bill Friedl reconvened the meeting at 1:20 p.m.

**NEW BUSINESS:**

**HIHWNMS Advisory Council Charter Revisions:** Bill Friedl asked how the council would like to review the proposed revisions to the HIHWNMS Advisory Council Charter. Lou Herman suggested focusing on major issues such as the proposed youth seat. Bill Friedl asked if the council would like to add a youth seat at this time. Further discussion followed regarding the benefits of adding a youth seat.

**ACTION:**

*Bill Friedl made a motion to accept the proposed revisions to the charter including the addition of a youth seat with the exception, that if possible, after conferring with the National Council Coordinator, to allow reimbursement for travel expenses for working group members at the discretion of the sanctuary management. It was further recommended that if reimbursement for travel expenses for working group members is not permissible then the charter revisions will be accepted as is. Liz Kumabe made the motion which was seconded by Bob Bruck. The motion passed with 12 ayes, William Worcester abstained from voting.*

**SAC Officer Elections for Chair, Vice-Chair, and Secretary:** Joe Paulin explained the process for election of officers and outlined the following schedule:

- 14 July 2009 - nominations for officer positions open
- 31 July 2009 – nominations close (all nominations must be submitted to the council coordinator by close of business, 5:00 p.m. HST – **NO LATE ENTRIES WILL BE EXCEPTED**)
- 3 August 2009 – council coordinator will contact all nominees to see if they accept or decline their nomination – those accepting will be asked to write a short bio/statement of interest **not to exceed one page**
- 14 August 2009 – nominee bio/statement of interest is due by close of business, 5:00 p.m. HST
- 17 August 2009 – council coordinator will compile nominee bio/statements of interest and send to the council with an official voting ballot
- 28 August 2009 – Officer elections officially close at close of business, 5:00 p.m. HST (**no ballots received after the deadline will be counted**)



- 4 September 2009 – Election results will be announced on or before 4 September 2009

**2009 Meeting Schedule:** Joe Paulin noted that the SAC must meet again by January of 2010.

Discussion: Bill Friedl asked the newly formed Change Solutions Working group to look into the possibility of video-conferencing for future meetings. Bill suggested scheduling a meeting in January 2010. Jerry Norris suggested prior to January 16<sup>th</sup>. Teri Leicher suggested having a meeting before the start of whale season. Naomi McIntosh stated that if the council felt they should have a meeting then they should schedule it and she will try to accommodate. Lou Herman noted that a marine mammal conference will be held in Quebec, Canada this October between the 10<sup>th</sup> and 13<sup>th</sup>. Dates for two meetings were set on 27 October 2009 and 12 January 2010. Terry O'Halloran suggested holding a meeting on Maui to remind council members why they do what they do.

**Malama Kai Foundation:** Terry O'Halloran stated that the Malama Kai Foundation has been contracted by the state to install day-use moorings to protect reefs where commercial and private boaters typically throw anchors. Terry passed around a sign-up sheet for those who wish to be notified about an upcoming workshop.

#### **Ocean Acidification Resolution:**

##### **ACTION:**

*Bill Friedl proposed a resolution addressing ocean acidification (see meeting #55 information packed attached). Dave Hoffman made the motion which was seconded by Liz Kumabe. The resolution passed unanimously.*

Stephen Juarez noted that he collects water quality data within the sanctuary and could make the data available if there was funding for analysis.

**Greening Initiative:** Bill Friedl discussed the idea of the SAC taking on a green initiative for meetings to reduce paper consumption used for reports and handouts. Joe Paulin noted that approximately 3000 sheets of paper were needed to produce hardcopies of reports and handouts for the meeting. Joe explained that for future meetings the SAC could adopt a system utilizing electronic reports and handouts. Such a system would require that reports be submitted approximately two weeks in advance so that they may be compiled, posted on the sanctuary webpage for public review, and to give SAC members ample time for review prior to the meeting. Joe further noted that if the SAC chooses to meet utilizing video-conferencing technology in the future that such a system would be necessary to ensure that meeting materials were available at all meeting locations on the various islands.

##### **ACTION:**

*Bill Friedl stated that the SAC will go paperless and adopt a system utilizing electronic reports and handouts for meetings to go into effect with the next SAC meeting.*

**Bi-Monthly Reports:** Bill Friedl discussed the possibility of SAC committees producing bi-monthly reports to keep members up-to-date when there are extended periods of time between meetings. Joana Varawa noted that this could make it easier to review information since it wouldn't be so much at one time. Liz Kumabe stated that it would probably just sit in her in-box until shortly before the next meeting. Jeff Walters stated that such a system might get complicated. Lou Herman suggested creating executive summaries for long reports. The council decided to stick with the current reporting system, but in electronic format.

**Enforcement Working Group:** Bill Friedl discussed the possibility of forming an Enforcement Working Group with USCG, NOAA OLE, and other stakeholders. He went on to say that this was a topic of conversation at the recent SAC Chairs and Coordinators Meeting in Alpena Michigan. Eric Roberts agreed that this was a good idea. Eric noted that he helped to establish a similar working group for the Monument and that he could assist with the production of outreach materials. Bill Friedl stated that he will follow-up with SAC chairs from other sanctuaries to learn more and see how their efforts are going.

#### **Public Forum:**

Bill Friedl asked the members of the public to introduce themselves and called for any public comments. No comments were made.

#### **Announcements:**

Joe Paulin reminded the SAC of the upcoming HIIWNMS workshop at the Hawaii Conservation Conference on 31 July 2009 and stated he would forward the web-link for those who missed it in a previously sent e-mail message.

Joe Paulin asked SAC members interested in participating in the Change Solutions Working Group to contact him.

**Review of Decisions and Action Items:** Bill Friedl reviewed the following:

#### **ACTION:**

*Bill Friedl asked for a motion to establish a working group to address change solutions. Luana Howell made the motion that was seconded by Bob Bruck. The motion passed unanimously. Bill asked Terry O'Halloran to chair the working group, Terry agreed. Those wishing to participate should contact Joe Paulin.*

#### **ACTION:**

*Bill Friedl suggested that the SAC acknowledge the efforts of Ed Lyman and his report "Hawaiian Islands Humpback Whale National Marine Sanctuary 2008-2009 Season Summary - Large Whale Entanglement and Whale-vessel Contact Reports." Bob Burke made a motion that was seconded by Luana Howell. The motion passed unanimously. Bill asked the managers to forward the information.*

**ACTION:**

*Lou Herman suggested that the SAC should form a Monk Seal Working Group. Bill Friedl stated that the Executive Committee will take up the issues of potential spinner dolphin and monk seal working groups at their next conference call on 5 August 2009.*

**ACTION:**

*Bill Friedl recommended that the members of the Conservation Committee work with Naomi McIntosh, Jeff Walters, and Lisa Van Atta to address the issue.*

**ACTION:**

*Bill Friedl suggested that the SAC members assist with further development of constituency lists and help facilitate meetings with key community members leading into the MPR scoping process.*

**ACTION:**

*Bill Friedl made a motion to accept the proposed revisions to the charter including the addition of a youth seat with the exception, that if possible, after conferring with the National Council Coordinator, to allow reimbursement for travel expenses for working group members at the discretion of the sanctuary management. It was further recommended that if reimbursement for travel expenses for working group members is not permissible then the charter revisions will be accepted as is. Liz Kumabe made the motion which was seconded by Bob Burke. The motion passed with 12 ayes, William Worcester abstained from voting.*

**ACTION:**

*Bill Friedl proposed a resolution addressing ocean acidification (see meeting #55 information packed attached). Dave Hoffman made the motion which was seconded by Liz Kumabe. The resolution passed unanimously.*

**ACTION:**

*Bill Friedl stated that the SAC will go paperless and adopt a system utilizing electronic reports and handouts for meetings to go into effect with the next SAC meeting.*

Go to [Draft Minutes First Page](#)  
Sanctuary Advisory Council  
*Fifty-fifth Meeting*

**Information Packet Table of Contents**

<b><u>Description</u></b>	<b><u>Page Number</u></b>
<a href="#">Notes Page</a>	2
<a href="#">Meeting Agenda</a>	3
<a href="#">Action Items Report</a>	4
<a href="#">Chair Report</a>	9
<a href="#">Sanctuary Superintendent Report</a>	16
<a href="#">Sanctuary Co Manager Report</a>	23
<a href="#">Hawaii County Report</a>	36
<a href="#">Honolulu County Report</a>	37
<a href="#">Kauai County Report</a>	41
<a href="#">Maui County Report</a>	44
<a href="#">Conservation Committee Report</a>	45
<a href="#">Education Committee Report</a>	No Report
<a href="#">Research Committee Report</a>	47
<a href="#">Aquaculture Working Group</a>	50
<a href="#">Blue Seas, Green Communities Working Group Report</a>	No Report

**Additional Meeting Materials Distributed:**

- ❖ Hawaiian Islands Humpback Whale National Marine Sanctuary 2008-2009 Season Summary - Large Whale Entanglement and Whale-vessel Contact Reports  
Compiled by: Ed Lyman
- ❖ First International Conference on Marine Mammal Protected Areas (ICMMPA): Executive Summary
- ❖ `HIHWNMS Advisory Council Charter (proposed revisions)
- ❖ Channel Islands NMS Commercial Fishing & Conservation Working Group objectives for understanding and managing ocean acidification
- ❖ US Coast Guard Report

**Other Materials Distributed via Email and Available Upon Request:**

- ❖ Meeting #54 Minutes (for approval)

**Notes Page** (back to [Table of Contents](#))



## Hawaiian Islands Humpback Whale National Marine Sanctuary

([back to Table of Contents](#))

### **Sanctuary Advisory Council**

Fifty-fifth Meeting

July 14, 2009

9:00 a.m. to 4:00 p.m.

Honolulu International Airport

Inter-island Terminal #4

#### **NON-GOVERNMENT** (Voting)

Jim Coon  
*Business and Commerce*

David Hoffman  
*Citizen-At-Large*

Dale Hazlehurst  
*Commercial Shipping*

Louis M. Herman, Ph.D.  
*Conservation*

Liz Kumabe  
*Education*

Robert Bruck  
*Fishing*

Luana Howell  
*Hawai'i County*

William A. Friedl  
*Honolulu County*

James Yamamoto  
*Kaua'i County*

Cheryl Sterling  
*Maui County*

Pohai Kirkland  
*Native Hawaiian*

Teri Leicher  
*Ocean Recreation*

Adam Pack, Ph.D.  
*Research*

Michael Stanton  
*Tourism*

Reginald A. White  
*Whale Watching*

#### **GOVERNMENT**

Marnie Meyer  
*DBEDT - OP*

Elizabeth Corbin  
*DBEDT Ocean Resources*

Athline M. Clark  
*DLNR - DAR*

Vacant  
*DOH*

Dean Watase  
*DOT - Harbors*

Gene Brighthouse  
*Fagatele Bay NMS*

Jerry B. Norris  
*OHA-Voting*

Jeff Pollack  
*NMFS - Law Enforcement*

Lisa Van Atta  
*NMFS - PIRO*

`Aulani Wilhelm  
*Papahānaumokuākea MNM*

Eric Kingma  
*WESPAC-Voting*

Cindy Barger  
*USACOE*

Eric Roberts  
*US Coast Guard*

Rebecca Hommon  
*US Navy*

### **MEETING AGENDA**

- I. Call to Order (9:00 a.m.)**
- II. Approval of Meeting Minutes #54**
- III. Public Forum**
- IV. Reports**
  - A. Chair's Report - Bill Friedl
  - B. Sanctuary Manager - Naomi McIntosh
  - C. Sanctuary Co-Manager - Jeff Walters
  - D. Hawai'i County Report - Nan Howell
  - E. Honolulu County Report – Bill Friedl
  - F. Kaua'i County Report – James Yamamoto
  - G. Maui County Report – Bill Worcester
  - H. Conservation Committee – Lou Herman
  - I. Aquaculture Working Group Report – Mike Stanton
- V. Presentations**
  - A. MPR Update – Naomi McIntosh
  - B. Monk Seal Update – Jeff Walters and Lisa Van Atta
  - C. Enforcement Update – Eric Roberts
- VI. New Business**
  - A. SAC Charter Revisions
  - B. SAC Officer Elections
  - C. 2009 Meeting Schedule
- VII. Public Forum**
- VIII. Announcements**
- IX. Review of Decisions and Action Items from the Meeting**
- X. Adjournment (4:00 p.m.)**

This Council Meeting will focus on providing an update on the Sanctuary's Management Plan Review and explore change solutions for new and emerging issues

Please contact (808) 397-2651 ext. 257 with any questions or in regards to travel arrangements for Council members.

Agenda is subject to change prior to meeting.

**6600 Kalaniana'ole Highway, Suite 301 Honolulu, Hawai'i 96825 Phone: 397-2651 Fax: 397-2650**

**Sanctuary Advisory Council**  
**2009 Action Items Report**  
(Meeting #54 – 3 February 2009)  
(back to [Table of Contents](#))

- 1. ACTION: The Chair will draft a letter, based on the content provided by the Conservation Committee, to the sanctuary management expressing the council's concern regarding the potential downlisting of North Pacific humpback whales. The council will also request that the letter be forwarded to the Office of National Marine Sanctuaries and to the appropriate representative of the International Whaling Commission. (2/3/09)**

**Status:** The letters were drafted and submitted.—COMPLETE

**Details:** Sent letter to sanctuary management (Jeff and Naomi) and requested forwarding to ONMS and then forwarding to Rebecca Lent of NOAA Fisheries International (will communicate to Rebecca Lent that letter should end up with Bill Hogarth). Deadline: 2/28/09

RE: The recent downlisting by the International Union for the Conservation of Nature (IUCN) of the humpback whale from "Vulnerable" to "Least Concern."

***From: William A. Friedl, Chair, HIIHWNMS Advisory Council***

**To:** Naomi McIntosh, Sanctuary Superintendent, HIIHWNMS

cc: Jeffrey Walters, Ph.D., Co-Manager, HI Humpback Whale NMS (HI DLNR)

**To:** Jeffrey Walters, Ph.D., Co-Manager, HI Humpback Whale NMS (HI DLNR)

cc: Naomi McIntosh, Sanctuary Superintendent, HIIHWNMS

***Memo: Naomi McIntosh, Sanctuary Superintendent, HIIHWNMS***

**To:** Daniel J. Basta, Director, Office of National Marine Sanctuaries

***Asked To Forward To:*** Rebecca Lent, NOAA Fisheries International

Dr. William Hogarth, US Commissioner to  
International Whaling Commission

- 2. ACTION: The Chair will draft a letter to Gray's Harbor against development of any type in the Penguin Bank area because of the importance of the Penguin Bank area as significant habitat to humpback whales. Copies of the letter will also be sent to appropriate agencies (Army Corps Regulatory Program, Legislature, Water and Land Committees in both state houses, etc.) (2/3/09)**

**Status:** The letters were drafted and submitted.—COMPLETE

**Details:** Sent letter to sanctuary management (Jeff and Naomi) and request that management forward the letter to Gray's Harbor, the ONMS, FERC, Laura Thielen, Army Corps of Engineers. Letter expressed council's unanimous opposition to any type of development in

the Penguin Bank area. Letter to Jeff and Naomi asked them to make sure that the letter is distributed (forwarded appropriately) to appropriate agencies. Deadline 2/28/09

RE: The HIIHWNMS Sanctuary Advisory Council's opposition to any and all development activities in areas within sanctuary waters that are deemed important humpback whale habitat, including, but not limited to, the four-island region (i.e., the waters between Maui, Molokai, Lanai, and Kahoolawe—primarily the Kalohi, Auau, and Pailolo Channels) and Penguin Bank (a 1015 sq. km area that extends southwest from the west coast of Molokai approximately 70 km).

***From: William A. Friedl, Chair, HIIHWNMS Advisory Council***

To: Naomi McIntosh, Sanctuary Superintendent, HIIHWNMS  
cc: Jeffrey Walters, Ph.D., Co-Manager, HI Humpback Whale NMS (HI DLNR)  
To: Jeffrey Walters, Ph.D., Co-Manager, HI Humpback Whale NMS (HI DLNR)  
cc: Naomi McIntosh, Sanctuary Superintendent, HIIHWNMS

***Memo: Naomi McIntosh, Sanctuary Superintendent, HIIHWNMS***

To: Daniel J. Basta, Director, Office of National Marine Sanctuaries

***From: Naomi McIntosh, Sanctuary Superintendent, HIIHWNMS***

To: Burton Hamner, Founder and President, Grays Harbor Ocean Energy Co.  
cc: Jeffrey Walters, Ph.D., Co-Manager, HI Humpback Whale NMS (HI DLNR)  
  
To: George Young, Chief, Regulatory Branch, Army Corps of Engineers  
cc: Jeffrey Walters, Ph.D., Co-Manager, HI Humpback Whale NMS (HI DLNR)  
  
To: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission (FERC)  
cc: Nathaniel J. Davis Sr., Deputy Secretary, FERC  
cc: Jeffrey Walters, Ph.D., Co-Manager, HI Humpback Whale NMS (HI DLNR)  
bcc: David Bizot, Permit, Consultations, & NEPA Coordinator, NOAA, ONMS  
  
To: Nathaniel J. Davis Sr., Deputy Secretary, FERC  
cc: Kimberly D. Bose, Secretary, FERC  
cc: Jeffrey Walters, Ph.D., Co-Manager, HI Humpback Whale NMS (HI DLNR)  
bcc: David Bizot, Permit, Consultations, & NEPA Coordinator, NOAA, ONMS  
  
To: Representative Ken Ito, Chair, Water, Land, and Ocean Resources Committee  
cc: Senator Clayton Hee, Chair, Water, Land, Agriculture, & Hawaiian Affairs Committee  
cc: Jeffrey Walters, Ph.D., Co-Manager, HI Humpback Whale NMS (HI DLNR)  
  
To: Senator Clayton Hee, Chair, Water, Land, Agriculture, & Hawaiian Affairs Committee  
cc: Representative Ken Ito, Chair, Water, Land, and Ocean Resources Committee  
cc: Jeffrey Walters, Ph.D., Co-Manager, HI Humpback Whale NMS (HI DLNR)



**From:** *Jeffrey Walters, Ph.D., Co-Manager, HI Humpback Whale NMS (HI DLNR)*  
**To:** Laura Thielen, Chair, HI DNLR  
cc: Naomi McIntosh, Sanctuary Superintendent, HIHWNMS

- 3. ACTION:** The Chair will send a letter concurring with the recommendation of the Draft Statewide Large Capacity Ferry Environmental Impact Statement that the ferry maintains speeds of 25 kn or less when routing through sanctuary waters, as reported by onboard designated observers and that the ferry continue to avoid passage through sanctuary waters except for reasons of passenger safety and to reduce speed to less than 25 kn when such routing becomes necessary. (2/3/09)

**Status:** The letters were drafted and submitted.—COMPLETE

**Details:** Sent a letter to the DOT regarding the 4 points in the report as approved by the council. This letter was submitted as part of the public comment period. Deadline: 2/20/09

RE: comment on the Draft Statewide Large-Capacity Ferry Environmental Impact Statement. Specifically, large-capacity ferry operations within the Hawaiian Islands Humpback Whale National Marine Sanctuary.

**From:** *William A. Friedl, Chair, HIHWNMS Advisory Council*

**To:** Michael D. Formby, Deputy Director, Dept. of Land and Natural Resources  
cc: Katherine Kealoha, Director, Office of Env. Quality Control  
cc: Naomi McIntosh, Sanctuary Superintendent, HIHWNMS  
cc: Jeffrey Walters, Ph.D., Co-Manager, HI Humpback Whale NMS (HI DLNR)

**To:** Katherine Kealoha, Director, Office of Env. Quality Control  
cc: Michael D. Formby, Deputy Director, Dept. of Land and Natural Resources  
cc: Naomi McIntosh, Sanctuary Superintendent, HIHWNMS  
cc: Jeffrey Walters, Ph.D., Co-Manager, HI Humpback Whale NMS (HI DLNR)

- 4. ACTION:** The Council Chair will send a letter to the sanctuary management to endorse the plans for the sanctuary's management plan review. (2/3/09)

**Status:** The letters were drafted and submitted.—COMPLETE

**Details:** Deadline 2/28/09

RE: The Sanctuary Advisory Council's (SAC) support of the current HIHWNMS management plan review process.

**From:** *William A. Friedl, Chair, HIHWNMS Advisory Council*

**To:** Naomi McIntosh, Sanctuary Superintendent, HIHWNMS  
cc: Jeffrey Walters, Ph.D., Co-Manager, HI Humpback Whale NMS (HI DLNR)

To: Jeffrey Walters, Ph.D., Co-Manager, HI Humpback Whale NMS (HI DLNR)  
cc: Naomi McIntosh, Sanctuary Superintendent, HIHWNMS

**Memo:** *Naomi McIntosh, Sanctuary Superintendent, HIHWNMS*

To: Daniel J. Basta, Director, Office of National Marine Sanctuaries

- 5. ACTION:** The Council Chair will write a letter to support the Statewide Large Capacity Ferry oversight task force's recommendations to 1) conduct a study to evaluate the large-capacity ferry's whale avoidance policy, 2) conduct a fly over study of the marine mammals in the Hawaiian Islands, and 3) request that the superferry provide scatter logs November through May of each year to the Department of Land and Natural resources and other appropriate agencies. (2/3/09)

**Status:** The letters were drafted and submitted.—COMPLETE

**Details:** The letters were sent to the House and Senate Sergeant of Arms from the council with cc's to Naomi, Jeff, Dan Basta and Laura Thielen. Deadline: 2/20/09

RE: Hawaii Inter-Island Large Capacity Ferry Oversight Task Force

**From:** *William A. Friedl, Chair, HIHWNMS Advisory Council*

To: Ben Villaflor, Seante Sergeant-At-Arms  
cc: Daniel J. Basta, Director, Office of National Marine Sanctuaries  
cc: Naomi McIntosh, Sanctuary Superintendent, HIHWNMS  
cc: Laura Thielen, Chair, HI DNLR  
cc: Kevin R. Kuroda, House Sergeant-At-Arms  
cc: Jeffrey Walters, Ph.D., Co-Manager, HI Humpback Whale NMS (HI DLNR)

To: Kevin R. Kuroda, House Sergeant-At-Arms  
cc: Daniel J. Basta, Director, Office of National Marine Sanctuaries  
cc: Naomi McIntosh, Sanctuary Superintendent, HIHWNMS  
cc: Laura Thielen, Chair, HI DNLR  
cc: Ben Villaflor, Senate Sergeant-At-Arms  
cc: Jeffrey Walters, Ph.D., Co-Manager, HI Humpback Whale NMS (HI DLNR)

- 6. ACTION:** The Council Chair will write a letter to support the combining of HB 1765 and HB 83 to include thrill craft and to include non-motorized craft of over twenty feet in length and also to include education on safe boating practices around marine mammals in the boating safety course. (2/3/09)

**Status:** The letters were drafted and submitted.—COMPLETE

**Details:** Sent letters to the House and Senate Sergeant of Arms and requested forwarding to the appropriate committees. Deadline: 2/20/09

RE: Recommendation to combine HB83 and HB1765

***From: William A. Friedl, Chair, HHHWNMS Advisory Council***

**To:** Kevin R. Kuroda, House Sergeant-At-Arms

cc: Naomi McIntosh, Sanctuary Superintendent, HHHWNMS

cc: Ben Villaflor, Senate Sergeant-At-Arms

cc: Jeffrey Walters, Ph.D., Co-Manager, HI Humpback Whale NMS (HI DLNR)

- 7. ACTION: The council requested presentations on current research and issues affecting the sanctuary. (3/13/08)—ONGOING**

***Planned for upcoming meetings:***

SPLASH & Whale Entanglement Update – DAVID MATTILA

HHHWNMS Administrative Priorities – NAOMI MCINTOSH

NOAA Office of Law Enforcement – ALEXA COLE

03 July 2009  
(back to [Table of Contents](#))

**MEMORANDUM**

To: Hawaiian Islands Humpback Whale National Marine Sanctuary Advisory Council

From: Bill Friedl, Advisory Council Chair

Subject: Chairman's Activity Report for February – June 2009

My activities as Council Chair are summarized below:

- I signed out letters with the Council's comments on the Draft Statewide Large-capacity Ferry Environmental Impact Statement to the Department of Transportation Harbors Division (Michael D. Formby) and the Office of Environmental Quality Control (Katherine Kealoha)
- I also signed out letters to the Sanctuary Superintendent expressing Council concern and opposition to (1) proposed Grays Harbor Ocean Energy Co. LLC development of wind energy harvesting fields on Penguin Bank and (2) proposed IWC reinstatement of whaling on North Pacific humpback whales as directed at the February meeting.
- I attended the dedication and opening ceremony for the Sanctuary Learning Center on 13 April.
- I attended the Sanctuary Advisory Council Chairs and Coordinators meeting at the Thunder Bay National Marine Sanctuary in Alpena, MI May 5-7. A summary report is attached. A few high-level observations follow:
  - Sanctuaries are Special Places that represent values that we must sustain. They are small pieces of the overall scheme, but are all we have (so far)
  - ONMS expressed the desire to identify Special Places and set them aside in protected networks and then sustain the network.
  - Conservation before technology; the oceans don't care.
  - Reach out to Samoa; walk the talk.
  - Guard against developing a Management Plan that doesn't manage but merely describes (hard lesson learned by others)
- "Homework" from the Chairs and Coordinators Meeting: The ONMS requested that each Sanctuary SAC review the report from CINMS and, if appropriate, draft a resolution of support for the report and its conclusions. I personally endorse the report and encourage the SAC to formally add their endorsement at the upcoming meeting. A draft resolution to that effect is attached.
- On 09 June, I attended the Papahānaumokuākea Marine National Monument Advisory Council meeting as an observer. The meeting emphasized management updates and a lively discussion about the Monument's Draft Science Plan. I appreciated the opportunity to see another Advisory Council in action and to begin to develop a feeling for their particular problems and approaches.
- On July 1<sup>st</sup>, I met with Superintendent McIntosh to discuss the way forward for the Management Plan Review and the underlying Operational Plan for the Sanctuary going

forward in these difficult fiscal times. We agreed that the ONMS emphasis on the sanctuaries' "Sense of Place" should be the touchstone issue for our Sanctuary as we develop our management plan; there is no need to "reinvent" the Hawaiian Islands Humpback Whale National Marine Sanctuary but rather, we need to build a roadmap to the future based on the strengths and capabilities already in place within our Sanctuary. First and foremost of these is our Sanctuary's position as a nexus of conservation, research and education in the Pacific region. This nexus will also allow our Sanctuary programs to link past cultural practices and *malama o ke kai* to our expanding role regionally and internationally. I endorse this vision of our future and will work to implement it.

- Reminder: The National Marine Sanctuaries Foundation describes our Sanctuary as follows: "Hawaiian Islands Humpback Whale National Marine Sanctuary lies within the shallow, warm waters surrounding the main Hawaiian Islands and constitutes one of the world's most important humpback whale habitats. Scientists estimate that two-thirds of the entire North Pacific humpback whale population migrates to Hawaiian waters each winter to engage in breeding, calving and nursing activities."
- Reminder – 2: Bob Talbot has stated the following: "This is a critical moment in marine conservation. The world-ocean is in crisis – seawater is becoming acidic, fisheries are in collapse. The survival of the future generations depends on us taking extreme measures. Get involved. Take ownership of your little corner of the ocean. Protect it. Fight for it. We are out of time."
- Finally, a few zingers from the NMSF:
  - One world – one ocean – one chance
  - The oceans need our help. What will you do?
  - Every National Marine Sanctuary is unique in the protection it provides.
  - Sanctuaries are what you make them.

June 8, 2009

From: William A. Friedl, Hawaiian Islands Humpback Whale National Marine Sanctuary  
Advisory Council Chair

Subject: **Report** – Sanctuary Chairs and Coordinators Annual Meeting

Purpose:

- Represent the Hawaiian Islands Humpback Whale National Marine Sanctuary Advisory Council at the 2009 Sanctuary Advisory Council Chairs and Coordinators Meeting

Schedule and Events:

05 May 2009

**Chairs and Coordinators Annual Meeting – Day 1**

The meeting began with various welcoming statements from Jeff Gray, Superintendent of the Thunder Bay NMS; Carol Shafto, Mayor of Alpena; and Senator Carl Levin (by video). Dan Basta gave us our marching orders in his State of the Office of National Marine Sanctuaries presentation. The highlights included: a Sense of Place and Sense of Ownership; Cultural Engagement; Councils as Vectors of Change; and “it’s not about us, it’s about the constituents’ interests and concerns. Dan also requested SAC support for the Sanctuary Reauthorization Act. The morning session concluded with Micah McCarty sharing his perspectives and experiences with the Olympic Coast Intergovernmental Policy Council. Micah’s presentation added particular resonance to Dan Basta’s references to cultural heritage within the Sanctuary program.

In the afternoon, we had sessions concerned with catalyzing the influence of Sanctuary Advisory Councils and discussed ways to implement community input and expectations for the Sanctuaries. Larry McKinney, Flower Gardens Bank NMS Council Chair, presented a case study on boundary expansion for the Sanctuary (Management Plan Review: Boundary Expansion and Other Blood Sports) and Dr. Hueng Sik Park from Korea Ocean Research & Development Institute (KORDI) provided information about Korean Marine Protected Areas and described the Korean interest in the National Marine Sanctuaries program.

In the evening, we were treated to a reception at the Great Lakes Maritime Heritage Center with members of the Thunder Bay SAC and other friends of the Sanctuary.

06 May 2009

**Chairs and Coordinators Annual Meeting – Day 2**

The morning was devoted to case studies from Channel Islands and Monterey Bay SACs. Eric Kett (Council Chair) and Mike Murray (Deputy Superintendent for Programs) from Channel Island National Marine Sanctuary presented the results from their case study: Ocean Acidification and the Channel Islands National Marine Sanctuary: Cause, effect, and response. The SAC initiated and proved pivotal in executing the study which relates increases in atmospheric CO<sub>2</sub> to increased acidification of upwelling water along the Pacific coast of the United States and discusses the possible consequences to the pelagic and benthic communities in the eastern north Pacific Ocean. As a result of the study, the west coast SACs have passed resolutions endorsing the report and its recommendations.

Chris Harrold, Council Chair, presented the case study from the Monterey Bay National Marine Sanctuary Advisory Council regarding the trials and tribulations of planning for Marine Protected Areas in federal waters of the Sanctuary. The initial attempt to reach consensus within the SAC and the community at large came undone by misconceptions and mistrust among the constituents and the inability of the Sanctuary Superintendent to restore order to process. A new superintendent brought a new perspective to the process and changed the focus of the SAC and public members of the various working groups. Essentially, the public is providing input and options to the superintendent who will make a final decision on the matter.

In the afternoon, we toured the Presque Isle lighthouses in Rogers City.

In the evening, the Council Chairs had their annual dinner with Dan Basta at the Great Lakes Maritime Heritage Center. The dinner afforded an opportunity to discuss various Sanctuary and SAC issues with Dan Basta and with the other chairs. Some of the take-away messages that I noted include: reach out to Samoa; build management into the management plan (don't just describe); conservation before technology (that is, save before study); sanctuaries are small pieces in the overall MPA picture, but they are all we have so far; the goal is to identify special places, set them aside within a protected network, and sustain the network; and sanctuaries are special places that represent values that we must sustain.

07 May 2008

### **Chairs and Coordinators Annual Meeting - Day 3**

The session began with a panel discussion of enforcement issues in National Marine Sanctuaries and the new 3-year enforcement strategy for the sanctuaries. The key issues for the SACs are deterrence (through presence) and education. Different sanctuaries have different enforcement problems and the scope of the issues germane to the HIIbWNMS will change if the sanctuary focus changes. Be prepared. As a SAC, we need to integrate some form of "enforcement report" into our normal information stream.

The session continued with a discussion about youth involvement in Sanctuary activities and even the SAC itself. John Armor led a discussion about conservation policy and planning and Brady Phillips led a session follow-up and meeting wrap-up (pinch-hitting for Dan Basta, who left Alpena earlier in the day). The wrap-up followed a small-group "catalyzing session" where various Touchstone Issues were identified for the National program and various approaches to solutions were explored (details upon request).

### **Comments and Observations from My Summary Notes**

- Sense of Place involves a sense of ownership and cultural engagement.
  - Does the "story" of the HIIbWNMS project that sense?
  - Some SACs have organized Cultural/Historic WG under the Education Committee.
  - May help secure "cultural buy-in"
  - Reef-to-Deep Water connections
  - Do we need to plan to establish (more of) a Sense of Place in the HIIbWNMS management plan?

- “Councils as Vectors of Change”
  - Outreach programs that connect and involve the public.
  - Volunteers
  - “It’s not about us – it’s about the constituents’ interests and concerns
  - Tools: Interactive and Distant Learning; modern outreach such as podcasts and viral information.
  - Several SACs have initiated and support programs for Youth involvement: interaction, field work, monitoring.
- Form and Enforcement WG (with guidance)
  - Establish a SAC presence at Regional Response Team/USCG meetings to provide Sanctuary perspective and input on habitat protection
  - Look into technology partnerships for law enforcement (and research) in Sanctuaries
  - Enforcement may pertain to things like water quality
  - Guidance can be found in (USCG) Commandant Instruction on Enforcement
  - Need regular Enforcement reports to the SAC
- Marine Spatial Planning
- Sentinel Sites Program
  - A way to reach/involve people
  - A way to demonstrate successful consensus (or not)
- CINMSAC CO<sub>2</sub> Report and Resolution
  - Distribute report
  - Draft and distribute draft endorsement
  - Act on endorsement at next meeting
- What to do about SAC meeting times and frequencies?
  - Superintendent’s job is to make decisions; the SAC must enhance the process
  - Protect the base and move on
  - Persistence: plan ahead and follow-up
  - Support the process
  - Identify champions for particular issues
- Research priorities and research results
  - How do they compare?
  - What are the permitting and evaluation criteria for research in the HIIbWNMS?
  - What do we have to do to have multiple aerial surveys within the HIIbWNMS annually?
- MPR
  - Requirements?
  - Community-based programs require support, training, management and resources
  - Process will unfold with time as resources become available
  - Process is important, but not all-consuming
- Support Sanctuary Reauthorization Act
  - Remove moratorium on establishing new sanctuaries
  - Streamline the designation process
  - Provide for citizen advisory involvement to monuments
  - Include government-to-government trust responsibilities



- Things to Check Out
  - Fly-over regulations
  - Submarine Cable Permitting Guidelines (out for review at NOAA)
  - Commandant Instruction on Enforcement

## **Ocean Acidification**

The Hawaiian Islands Humpback Whale National Marine Sanctuary (HIHWNMS) puts forth a motion to concur with and support the recommendations of the Channel Islands National Marine Sanctuary (CINMS) Conservation Working Group in their report “Ocean acidification and the Channel Islands National Marine Sanctuary: cause, effect, and response,” as they apply to the CINMS, and the council supports similar actions as appropriate to the HIHWNMS.

Proposed Resolution of the HIHWNMS:

Whereas, the Hawaiian Islands Humpback Whale National Marine Sanctuary Advisory Council recognizes ocean acidification as a significant threat to long-term conservation and health of sanctuary resources and qualities, warranting additional NOAA research, monitoring, education and outreach, and management action to reduce and mitigate its impacts.

Therefore be it resolved, the Hawaiian Islands Humpback Whale National Marine Sanctuary Advisory Council recommend that the Office of National Marine Sanctuaries take a leadership role in coordinating ocean acidification monitoring throughout the Pacific Islands Region.

Therefore be it further resolved, the Hawaiian Islands Humpback Whale National Marine Sanctuary Advisory Council recommend a coordinated approach to ocean acidification issues amongst the entire national marine sanctuaries system.

Sanctuary Superintendent's Report  
SAC Meeting 7/14/09  
(back to [Table of Contents](#))

SAC Coordination

*Change Solutions*

As we continue to find change solutions to adapt to an unpredictable economic and social environment, the Council needs to develop the capacity to be able to shift to meet the challenges of an ever changing world. To that end, I have consulted with the Executive Committee to propose the formulation of a new working group. The purpose of this working group will be to address new issues facing the sanctuary and the Council as they arise. Current issues include:

- Funding for SAC meetings
  - Should the SAC consider video conferencing and ways to work around not being able to meet as often?
  - Consider the impact to the Council of not being able to meet on a regular basis i.e. can the objectives of the sanctuary and SAC be met through alternatives to regular meetings?
  - As an alternative should Sanctuary management and Council leadership consider bi-monthly reports for the SAC.

Management Plan Review

In February, the Sanctuary held initiation meetings for both the Sanctuary Advisory Council and sanctuary staff for the management plan review. Dan Basta, Director of the Office of National Marine Sanctuary, was on site to address the SAC and staff and talked about the “Big Picture” and the importance of the HIHWNMS Management Plan Review to the sanctuary program. Dan discussed how eyes will be on Hawaii during this process and that our success is critical. We need to ask ourselves how we can best contribute to this effort. Additionally, the process will undoubtedly be challenging, but we must view it as an opportunity, own it, and build upon the successes that the staff has worked so hard to achieve. Further, we can, we need to, and we will do more for marine conservation and the citizens of Hawaii. Dan’s inspiring words, has led the program to undertake several new initiatives including:

- Initiate a marine spatial planning effort to develop spatially based maps including information on protected resources and associated habitats to identify areas of biological importance within the waters of the main Hawaiian Islands.
- Support constituency meetings to inform the public of the Sanctuary’s upcoming management plan review. Meetings this summer started with a presentation about the sanctuary’s current resource protection programs and upcoming management plan review at a Oahu Chapter Surfrider Foundation meeting in June. In July, the Sanctuary will host a workshop at the Hawaii Conservation Conference on Friday, July 31<sup>st</sup> from 9:00 a.m. to 12:00 noon. In August, the Sanctuary is planning to co-sponsor a community event on Lana`i. The event is being planned for Saturday, August 8<sup>th</sup> and will include a movie in the park and educational day camps for students. Efforts to reach out to key constituents and communities to increase the public’s involvement in the management plan review process is an important step in helping to prepare the public for the scoping meetings. The Sanctuary will continue to seek opportunities to reach out to key constituents and communities to increase the public’s involvement in the management plan review process.

- In summary, the Sanctuary will implement a scoping process that facilitates and encourages strong public involvement and input. The process will include pre-scoping constituent meetings to begin in summer 2009, an official announcement in the federal register to formally announce the scoping process this fall. Support an extended public scoping process that includes community and constituent meetings and presentations and public scoping meetings that will be held in Spring 2010.

The action items outlined above will enable the Sanctuary to continue to create the momentum surrounding management plan review that began with the initiation meetings in February. Further, this course of action will enable the Sanctuary to create a sense of place and develop community ownership of the current and emergent issues affecting the sanctuary.

Additionally, the Papahānūmokuākea Marine National Monument (PMNM) has offered staff support for the Sanctuary's management plan review and possibly funding to support constituency meetings. At this time, the sanctuary has no specific funding in the budget for management plan review and all programmatic costs will be covered by the programs base budget.

Another noteworthy accomplishment is an effort that was completed by graduate students from a University of Hawaii seminar on The Role of Marine Protected Areas in Ecosystem-Based Management. The students worked on report on "Evaluation of the Role of Ecosystem-Based Management in a Single Species Marine Protected Area: A Case Study of the Hawaiian Islands Humpback Whale National Marine Sanctuary. The evaluation looked at how the sanctuary currently aligns with aspects of ecosystem-based management, a Marxan analysis of humpback whales and other protected species, and recommendations for better incorporating ecosystem-based management into the sanctuary. This graduate level seminar was sponsored by UH, Hawaii Institute of Marine Biology (HIMB), National Center for Ecological Analysis and Synthesis (NCEAS), and ONMS including instructors Malia Chow and Janna Shackeroff from PMNM.

#### Humpback Whale Response efforts

Ed Lyman, marine mammal response manager presents a detailed year-end report of the Sanctuary's 2008/2009 summary of the large whale entanglement and whale-vessel contact reports (see attached).

Ed Lyman is also completing a detail with NOAA Fisheries Alaska Protected Resources Division. The purpose of Ed's detail is to support the exchange of expertise within NOAA and demonstrates the Sanctuary's commitment to support capacity building for marine mammal response throughout the nation. Ed is planning to provide a summary of his accomplishments on his return. As a brief preview, Ed has already reported that he has worked with the Alaska Sea Grant Program to address large whale by-catch reduction and response efforts. Two workshops were held in Kodiak for seiner and setnet fishermen. In addition to outlining appropriate disentanglement response efforts by authorized responders and fishermen, various avoidance and impact-reducing measures were discussed. A Sea Grant study was introduced in which fishermen will provide information on what measures work and how large whale behave to gear in water. In total, Ed will conduct over a dozen training workshops and more importantly his assistance to the region will have increased their capacity to address sometimes life-threatening marine mammal response incidents. The Sanctuary staff appreciates the efforts that Ed is making throughout the Alaska region but we are also very anxious to welcome him back home to Hawai'i. Ed will return to the office on August 3<sup>rd</sup>.

#### Hawaii Tourism Grant provides new outreach products

A variety of new resource protection outreach materials were developed using funds received from a Hawaii Tourism Authority grant. Marine Mammal Response Coordinator Ed Lyman led the development of the materials.

1. Hawaii's Marine Mammals: An Ocean Users Guide and Summary of Threats - This guide features information on what you can do to assist in marine mammal response and rescue.
2. Marine Mammal in Distress Reporting Card - This card provides information on how you can help distressed marine mammals. It also provides a detailed form that can be used to report animals in distress.
3. Banners - A series of three banners (focusing on the general sanctuary, entanglement of marine mammals, and vessel collisions) were developed and printed for each island to use at appropriate outreach events.

The Ocean Users Guide and the Reporting Card are available online at:  
<http://hawaii.humpbackwhale.noaa.gov/documents/resprot.html>

### Education and Outreach - Increasing Ocean Awareness

#### *Ocean Awareness Training*

The Sanctuary is pleased to be a partner with several marine conservation organizations on O`ahu and Maui to offer Ocean Awareness Training. The training course provides multi-disciplinary knowledge of Hawai'i's unique marine environment.

Participants learn about current ocean conservation efforts and opportunities to get involved. The program is recommended for those employed or volunteering in the fields of marine education or recreation, or those interested in doing so. Instructors include university scientists, government agency staff, environmental educators, and conservation practitioners.

Participants are required to take part in all training sessions (~15 hours of instruction), and a three-hour field project in order to receive C.O.R.A.L. certification (Care of our Culture, Oceans, Reefs and Animal Life). Training topics include marine ecology of the Hawaiian Islands, protected species, threats to coastal and marine environments, marine life identification and more.

The training is currently offered on the islands of O`ahu and Maui. Programs are offered at various times throughout the year.

#### *Humpback Whale Awareness Month*

February was proclaimed "Humpback Whale Month" in Hawai'i by Governor Lingle and Lt. Governor Aiona. A variety of events aimed at educating the public on the sanctuary, humpback whales, and ocean etiquette took place around the state. Events included lectures, video presentations, lunchtime whale watches, Whale Wednesdays in Waikiki and more. The statewide campaign also included a kids art, poetry and short story contest and special programs and information were available at public libraries.

#### *Greening and Employing Multiple Technologies for Meetings*

In the future, utilizing video conferencing technologies may become a necessary component of advisory council meetings. In anticipation of incorporating video conferencing, as well as to reduce the amount of paper used to print out all reports and handouts for advisory council meetings, it may be beneficial to maximize the use of electronic communications (i.e. send out all reports and handouts electronically several weeks prior to the advisory council meeting and post them on the web page for public review). This system would require that all materials were submitted at least two weeks prior to the meeting. It would not only greatly reduce the amount of paper used for printing, but allow ample time for all council members to review all materials prior to the advisory council meeting.

The national handbook offers the following guidelines for incorporating multiple technologies into council meetings:

All meetings must comply with public notice and other legal requirements that govern traditional face-to-face meetings, but it is also useful to employ multiple technologies, if available. It is possible to conduct a meeting by teleconference, post the information that is being discussed on the internet, and provide a dial-in number for the public. This would allow the public to listen to the discussion and follow along in the materials. The dial-in number serves as the “virtual meeting,” and the website provides the “virtual handouts.” Meetings may also be held by video conference, with the materials being discussed posted on the internet.

The ONMS recommends posting virtual handouts a minimum of 48 hours in advance of the meeting to allow the public adequate time to access and review the documents. If one set of virtual handouts have already been posted and have to be replaced by an updated set of handouts, the ONMS recommends posting BOTH sets of documents with an explanation and directing the public to the appropriate set. The situation should also be highlighted at the beginning of the virtual meeting.

### *Sanctuary Ocean Count*

The 2009 Sanctuary Ocean Count project took place on January 31, February 28, and March 28. In total over 1500 volunteers gathered data from approximately 60 locations along the shores of Oahu, Kauai, the Big Island, and Kahoolawe. Participants tallied humpback whale sightings and documented the animals’ surface behavior during the survey.

The following are the average numbers of whales sighted per 15-minute count period on each of the islands (please note that weather effected both the February and March counts in some locations this year):

Island/Month	January	February	March
Hawaii	5	3	1
Kahoolawe	14	Cancelled due to inclement weather	9
Kauai	8	2	2
Oahu	4	2	2

Detailed preliminary data is available on the sanctuary’s website at:  
<http://hawaiihumpbackwhale.noaa.gov/involved/ocprojectresults.html>

### *Celebrating Earthday*

Sanctuary staff took part in a special Malama Kai festival at Kahala Mall on Oahu to celebrate Earth Day. The music from the cd Kai Palaoa, a compilation cd whose proceeds support the education efforts of the Sanctuary and Kokua Hawaii Foundation, was showcased by many of the musicians, including four time Grammy Award Winner Daniel Ho. The event was sponsored by Kahala Mall, Whole Foods, and Disneynature. A special showing of the first film in the Disneynature series, Earth, was shown to those that donated to the Hawaii Food Bank. NOAA offices and a few other marine-related organizations from

around the island participated and offered information to the public. The sanctuary's booth offered the ever-popular humpback whale hats – over 300 were made within the 4-hour event!

Sanctuary staff also participated in an earth day/community workday event at Honolua Bay. Sanctuary staff assisted with the cleanup and ran a water quality monitoring station at the Bay. The event was kicked off by a Hawaiian blessing ceremony performed by Kimokeo Kapahulehua and attended by a diversity of community partners and volunteers. Partners included Project Sea Link, the Protect Honolua Coalition, REEF Check, Maui Land and Pineapple, Trilogy excursions and the digital bus among others.

### *Student Education Initiatives*

The Sanctuary program was a partner with Pacific American Foundation to implement a grant from Tesoro, through the National Fish and Wildlife Foundation to develop and implement a 7<sup>th</sup> grade curriculum on coral reefs. The curriculum has both classroom activities and in-the-field monitoring projects. The curriculum has been adapted and in-serviced on all islands. A “kick off event” for the project was held in May with presentations from Tesoro, the Hawaii Department of Education and students sharing projects.

### Science Coordination

#### *Humpback Whale Research*

HIHWNMS staff assisted University of Hawai'i PhD. student, Alison Stimpert, with her efforts to record and identify humpback whale social sounds in competitive groups, as well as the ambient acoustic environment in which they occur (e.g. song chorusing and vessel noise). Ed Lyman, Ben LaCour and David Mattila drove the Sanctuary's 11m vessel alongside of competitive groups while towing an array of four hydrophones. The sounds recorded are meant to complement (and calibrate) the sounds that Alison has recorded from D-tags placed with suction cups on individual whales in these types of groups over the past three winters. This is the third year that the Sanctuary has supported this research effort.

### ***ONMS Represented at International Whaling Commission's Scientific Committee Meeting***

#### ***in Portugal***

David Mattila has been attending the 61st annual meeting of the International Whaling Commission's Scientific Committee, in Madeira, Portugal, as a member of the U.S. delegation. He has been invited the past several years due to his expertise in entanglement and humpback whales. He also participates in the whale watch subcommittee and the committee working on environmental concerns (e.g. disease, pollution, climate change, acoustics, etc.). David has also been recruited to participate on a review committee for the IWC's international ship strike database, as the IWC will shortly have official standing with the International Maritime Organization, and he has been asked to be on a steering committee looking at emerging and re-surging diseases in cetaceans.

#### *Sharing research expertise*

David Mattila traveled to the Dominican Republic for a one week workshop on the conservation and research status and future of their marine mammals. He was hosted by the Government and gave a presentation on the history of humpback whale research there and how that country's efforts fit into the global picture.

### International Conference on Marine Mammal Protected Areas

The Sanctuary hosted the First Conference on Marine Mammal Protected Areas, March 31 to April 3, on Maui, at which both Jack Dunnigan and Dan Basta gave keynote addresses. The conference was attended

by over 200 managers, scientists and educators from approximately 40 countries. For the first time, this venue gave attendees an opportunity to learn from each other, and discuss the many similar challenges and successes that come along with understanding and managing highly mobile marine mammals with an area-based approach. All immediate feedback suggested that this gathering was long overdue, as there had not heretofore been a venue to address these issues, and that it was considered a tremendous success. Several countries (Australia and the U.S.) and NGOs (IFAW Oceania and WDCCS) used the venue to make announcements about major discoveries and initiatives, including the discovery of a previously unknown population of Irawaddy river dolphins in Bangladesh, and a massive, international collaborative research project in the Southern Hemisphere. In addition, representatives from the Government of France made a strong commitment to hosting the "Second Conference" in December 2011. A executive summary of the conference outcomes and recommendations is attached.

### New Sanctuary Learning Center Opens

Dr. Jane Lubchenco, newly appointed administrator of the National Oceanic and Atmospheric Administration, joined officials and community leaders at the Grand Opening of the Sanctuary Learning Center for the Hawaiian Islands Humpback Whale National Marine Sanctuary on April 13, 2009. Senator Daniel K. Inouye, Senator Daniel K. Akaka and Kimokeo Kapahulehua were recognized at the event for their vision, dedication and support of the sanctuary and the new facility, located in Kihei, Maui.

The new 4,600 square-foot single story learning center located next to the sanctuary office building adjacent to the historic Ko'ie'ie Hawaiian fishpond and sanctuary waters provides facilities for offices and classroom space for teacher workshops, school groups and public programs. Last year, the Sanctuary provided marine education classes to over 6,000 students and welcomed over 20,000 visitors. In March, the site hosted an all day workshop for teachers. Teachers who participated in the workshop engaged in a shore-based whale count, water quality monitoring and reef monitoring activities.

The facility has also served to provide a forum for training with the greater Pacific and international marine mammal management community. During the recent International Conference on Marine Mammal Protected Areas, delegates from the U.S., Fiji, Australia, Philippines, Uruguay, Guatemala and Brazil visited the learning center. The center will also serve as the location for an upcoming inter-session meeting for the International Whaling Commission.

The \$6.5 million building broke ground in 2004, and construction was completed earlier this year.

### Marine Mammal Stranding Response

Sanctuary staff on Maui assisted NOAA Fisheries' with several marine mammal strandings that have occurred within the last (2) months. On May 22<sup>nd</sup>, a pygmy killer whale stranded live. The whale was believed to be a part of a small pod that had been milling about in Maalaea Bay for a couple of weeks. HIHWNMS staff assisted at the moment of stranding (at Maalaea Harbor), and provided instrumental support by preparing the Kihei site to receive the individual into a large, but portable holding pool that was set up on the beach next to the site. Because of the rapid response of the staff, working in cooperation with all of the other agencies, academics and NGOs, the animal received thorough care and diagnostics (including blood work and hearing exams). Unfortunately, it was determined to be in very deteriorated health, and ultimately had to be humanely euthanized. The carcass was then immediately shipped to Oahu where a CT scan and full necropsy were conducted. In June, preparations were being made at the sanctuary campus at Kihei, Maui, to accommodate one or more striped dolphins (*Stenella coeruleoalba*) that were in distress in nearshore sanctuary waters off Maalaea. One animal eventually stranded dead; the other was not recovered. On Sunday, July 5, the Maui site supported the stranding response efforts for a striped dolphin. The dolphin was transported to the Maui site and held in a temporary pool while being examined by veterinarians from Oahu. Blood samples were taken and hearing tests conducted. The animal was eventually euthanized and sent to Oahu for a necropsy.



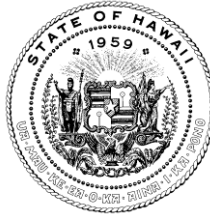
### Sea Turtle Stranding Response

On Sunday, June 7th, Kauai Programs Coordinator Jean Souza relayed to state aquatic biologist Don Heacock of the State Department of Land and Natural Resources, Division of Aquatic Resources, a citizen's report of a dead turtle in a drainage ditch in Hanapepe, Kauai. Jean assisted by locating the dead turtle and reporting that the large, green sea turtle had major injuries to the carapace possibly due to ship strike. This is the most recent of several incidents of severe injuries and deaths of green turtles due to ship strikes. The turtle was estimated to be about 50 years old. County of Kauai workers handled the burial of the turtle.

### Sanctuary Volunteers recognized at Capitol Hill Oceans Week in DC

Sanctuary volunteers of the year Skip and Gloria Synder participated in a number of events for Capitol Hill Oceans Week. The Synders' visited the nations capitol for the first time. They enjoyed tours of the White House, Capitol Hill and participated in briefings with Hawaii's Congressional Delegation. Over the last year Sanctuary volunteers on Maui alone spent approximately 1,200 hours working with school groups and 1,500 hours providing community outreach. In 2007, the Sanctuary recorded over 21,300 volunteer hours statewide contributed by approximately 2000 volunteers, equal to (10) full time staff. In recent years, our dedicated volunteers have also provided supplemental funding support through their non-profit friends group to keep our education programs operating. The funding support provided by the friends group is about \$4,000 annually for education and outreach supplies has been a key factor in allowing NOAA to continue to provide these important public services to the community.

LINDA LINGLE  
GOVERNOR OF HAWAII



LAURA H. THIELEN  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI  
FIRST DEPUTY

KEN C. KAWAHARA  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
DIVISION OF AQUATIC RESOURCES  
1151 PUNCHBOWL STREET, ROOM 330  
HONOLULU, HAWAII 96813

June 30, 2009

**MEMORANDUM** (back to [Table of Contents](#))

**To:** Sanctuary Advisory Council, Hawaiian Islands Humpback Whale National Marine Sanctuary (HIHWNMS)

**From:** Jeff Walters, Sanctuary Co-Manager, Hawai'i Department of Land and Natural Resources (DLNR), Division of Aquatic Resources (DAR)

**Subject:** HIHWNMS state office update for the period of February 4, 2009 through June 30, 2009 (Prepared for the July 14, 2009, Council meeting).

**Resource Protection – Field Work**

The state sanctuary program was active in a variety of resource protection field activities, broadly categorized as cetacean stranding response, Hawaiian monk seal protection, and volunteer network development. All of these activities were conducted, as usual, in close coordination with, and under the authorization and oversight of NOAA's National Marine Fisheries Service (NMFS), Pacific Island Regional Office (PIRO), Protected Resources Division (PRD), and with technical and other support from the NMFS, Pacific Islands Fisheries Science Center (PIFSC).

*Cetacean Stranding Response*

**Humpback Whale Calf, Kekaha, Maui, February 9-10, 2009**

Mimi Olry, DVM, Kaua'i monk seal response coordinator, supported the response to a humpback whale calf that was reported dead and stranded at "Inters" off Kekaha, Kaua'i. Kaua'i sanctuary programs coordinator, Jean Souza, and Wendy McIlroy, DVM, PIRO contractor, teamed with Navy personnel aboard a Navy vessel to investigate. Kaua'i County Lifeguards and Navy personnel worked together to bring the carcass to shore at PMRF Naval Base (2/9). A Hawaiian cultural blessing was conducted by Kumu Sabra Kauka. A full necropsy was subsequently performed with by Gregg Levine, DVM, and David Schofield, PIRO marine mammal network response coordinator, supported by Olry and a team of HPU students and scientists, Kaua'i volunteers, and staff. Navy personnel assisted with tents, water, and heavy equipment to move and bury carcass (2/10).

**Suspected Sperm Whale, Near Hana, Maui, February 16, 2009**

David Nichols, state sanctuary operations coordinator, assisted Nicole Davis, PIRO Maui marine mammal response coordinator, in responding to a dead stranded sperm whale on rocky shoreline near Hana, Maui. Tissue and some bone samples were collected, but given the remote location and extremely difficult access (rocky, high wave environment), the carcass was left to decompose naturally.

### **Humpback Whale, North Kohala, Hawai'i, February 20, 2009**

Viezbicke worked with Christine Gabrielle, and other whale researchers with the Hawai'i Marine Mammal Consortium responding to an entangled humpback reported off Mauna Lani. The team verified and documented the entanglement, but due to weather and light conditions could not attempt to attach a telemetry buoy. The entangled whale was later re-sighted off Maui and worked on multiple times by Maui-based sanctuary disentanglement staff.

### **Bottlenose Dolphin, Kona, Hawai'i, February through present 2009**

*From February through the present, Viezbicke has confirmed, documented and monitored the status of a bottlenose dolphin with a large hook and heavy monofilament line trailing from its mouth. The dolphin has been observed as more or less "resident" around the fish cages at the Kona Blue Water fish farm site near Keahole Point. The dolphin appears to be maintaining health, although it may have lost some weight, and has been seen defecating, indicating he is still feeding successfully. Since capturing and removing the hook and line is a major and potentially hazardous undertaking, the plan is to continue monitoring and evaluating options as time progresses in hopes that the dolphin will throw the hook on its own.*

### **Suspected Sperm Whale, South Maui Waters, Maui, May 29, 2009**

Nichols coordinated response to floating carcass south of Maui. With help from Maui-based sanctuary staff aboard the R/V Hihimanu, the carcass was located along the rocky shoreline on the south coast about 7 miles east of La Perouse Bay. It appeared to be a highly decomposed sperm whale. The carcass beached in a small cove area and given the remote location and extremely difficult access (rocky, high wave environment), the carcass was left to decompose naturally. This carcass was probably the same floating carcass reported by fishers off the North Kohala Coast, Hawai'i Island, about 10 days earlier.

### **Pygmy Sperm Whale, Kona Coast, Hawai'i Island, June 26 -29, 2009**

Justin Viezbicke, Hawai'i Island sanctuary programs coordinator, coordinated response to carcass of pygmy sperm whale carcass lodged in rocky tidal area off the Kona Coast of the Big Island (on the point in Puako near a very popular swimming/snorkeling/surfing beach). Viezbicke was assisted by Nichols, Davis, HPU professor Dr. Kristi West, HPU students, and Big Island response volunteers. The team conducted an in-situ necropsy and sample collection, and subsequent disposal of the whale (*Kogia breviceps*). Coordination and communication was also conducted with Hawai'i County water safety officials to address possible shark attack risk to ocean users. This successful response could not have happened so smoothly and efficiently without the sanctuary volunteers as they handled this odiferous and difficult situation with poise and professionalism that was truly remarkable! With all their great help, not only was the carcass examined and removed, but the team was able save the entire skeletal system of this very rare and unique whale species.

### ***Hawaiian Monk Seal Protection Field Work***

### **Program Says Aloha to Wendy McIlroy, DVM**

The state sanctuary program joins other marine mammal response staff and volunteers in saying goodbye and aloha to Wendy McIlroy, DVM, who had been contracted by NMFS PIRO over the past year to support marine mammal response on Kaua'i on a part-time basis. Wendy gave much more than part-time support, taking over the "seal phone" on weekends and holidays, recruiting and training volunteers, helping manage the volunteer network, developing and distributing education and outreach products, and much more. We wish Wendy all the best in her future endeavors – she will be missed.

### **Routine Haul-Out Response - Kaua'i**

More than 850 seal responses were conducted on Kaua'i during the reporting period. Responses varied daily from calls received on the hotline to routine monitoring of certain locations and looking for specific seals. Multiple, daily "routine haul-outs" required the Kaua'i monk seal response coordinator, Mimi Olry, DVM, the PIRO contractor, Wendt McIlroy, DVM, and volunteers to respond at various

locations, often simultaneously, around the island. Responses typically involved placement of a “seal protection zone” around the seal to keep the public safe and seal protected from disturbance or injury, especially at popular tourist locations.

Although volunteers continued to play an invaluable role, Drs. Olry and McIlroy were called on almost daily to check remote locations that required more expertise or special permission. With the increased advertising of remote beach locations, the need to cover these locations has continued to increase. Assistance from resort personnel, Kaua’i County Ocean Safety officers, DLNR DoCARE officers, and community members has aided in more rapid responses.

At each haul-out, scientific data are collected, the barrier is moved as needed, often over a 12-hour period, and public education and outreach occurs. In unusual circumstances, the coordinator and/or contractor was required to notify NMFS PIRO and DLNR of a potential “take” when seals needed to be captured or “displaced” from an unsafe location (e.g., on or close to a street, or boat ramp). On-scene outreach is always conducted in these cases to explain that “take” is only allowed under federal permit holder’s authority.

As has previously been the case, during this reporting period multiple seals frequently hauled out at the popular and crowded Poipu Beach county park, creating problems with visitor interactions. This beach is especially difficult to manage as adult male seals frequently fight in the water right next to swimmers. Other areas on the South Side of Kaua’i requiring frequent haul-out response were Salt Ponds to Maha’ulepu. Kaua’i staff and volunteers also were frequently challenged by loose dogs interacting with and/or in danger of interacting with hauled-out seals, especially on East Side beaches near Anahola. Some of the dogs are associated with horse riders on the beaches (e.g., riders from CJM Stables). On several occasions, staff have needed to directly intervene to stop dogs attacking seals, and Kaua’i Humane Society staff and DLNR DoCARE Officers have been called, picking up loose dogs and issuing citations to owners, respectively. Vehicles (e.g., trucks and ATV’s) driven on beaches at Kealia, Wailua Golf Course, and other areas have also frequently threatened hauled-out seals and caused challenges for response staff and volunteers.

### **Routine Haul-Out Response – Hawai’i Island**

Hawai’i Islands sanctuary programs coordinator helped support more than 30 haul out calls over the reporting period, with most of these occurring in February through March as the juvenile, male seal, B18/19, was spending a large majority of his time in Kailua-Kona area. This presented challenges since in Kona the beach is right near the road, so the seal was often very close to traffic and people. Vezbicke posted volunteers to watch over the seal most of the time he was on shore. The positive side of this “baby sitting” was that the team was able to conduct a significant amount of public outreach regarding B18/19 and monk seals in general.

### **Seal Pup Events – Kaua’i**

Year-round pupping continued on Kaua’i, with four seals known to have given birth during the reporting period. As discussed below, three of these pups have done well, despite challenges, due to staff and volunteer efforts, while one of these pups died shortly after birth. The Kaua’i team also continued to monitor a “weaner” (newly weaned seal) along the South Side of Kaua’i.

Olry, McIlroy and volunteers continued to watch over the newly weaned pup, W48, maintaining a schedule of volunteers to rope off and monitor the pup as needed at the seal’s regular haul out area at Maha’ulepu. Olry also sent out via email regular updates to volunteers of the juvenile, female seal’s development and management changes.

On March 21, 2009, a seal pup was born at south end of North Larsens Beach, a new location for pupping, and difficult to manage due to high surf and narrow beach. Volunteers assisted to erect plastic fence barrier to keep loose dogs away. There was concern about waves washing away the pup with high north swells. Olry started a schedule of trained volunteers to watch the mother-pup pair. Volunteers found people laying inside of the enclosure, even though this is a remote location with a lot of space for beachgoers. One day after the birth, adult male seals, RH40 and RK02, began interacting with the mom

and pup, with males fighting a lot, and pursuing RH58 (the mother) who was protecting her pup. About 10 days later, strong waves and current moved the pup and mother around a rocky point to the next beach, "Larsen's." This move required the placement of another barrier fence to protect the mom and pup from loose dogs, etc. Volunteers subsequently began doing effective outreach to local fishermen, limu pickers, and dog walkers that regularly use Larsen's beach. After more "adventures" with waves, dogs, sorties to other beaches, etc., the pup was weaned in late April and subsequently ID tagged by Olry and team including Maire Cahoon with NMFS PIFSC.

On April 22, 2009, female seal RK30 was observed with newborn pup by DLNR archeologists working at Miloli'i State Park (Na Pali Coast). Large waves washed pup and placenta off beach and the mother was unable to get the pup back onto shore. Olry requested a commercial tour zodiac and tour helicopter pilots to look for the pup for the next four days. Unfortunately, the pup was never seen again and presumed dead. The mother seal has subsequently been re-sighted.

In early June, two more seal pups were born along Larsen's Beach, one pup to an unknown female and another pup to R5AY. At the end of the reporting period (June 30, 2009), the two mother-pup pairs continued to do well despite various challenges caused by loose dogs, high waves, etc. A dedicated volunteer seal-watch effort and support by Falco Partners property managers have helped keep these seals safe during their vulnerable 6-week long nursing period.

### **Injured, Hooked and/or Entangled Seals – Kaua'i**

One hooking and three entanglements were successfully responded to during the reporting period. RK36, an adult male seal, was reported with fishing line tangled and lying at the base of neck, possibly with small superficial hook. The entanglement was visually confirmed to be superficial and the seal was able to free itself with no intervention. On February 8, 2009, seal pup RW48 was dehooked by Olry with assistance of volunteers at Maha'ulepu. The pup was hooked (and reported) by ulua fishermen who were using live moano for bait. The team initially cut away 150+' of line that entangled the seal. The team then successfully netted the seal and removed the hook which was superficially embedded. On May 28, 2009, the newly weaned seal, A00, was observed in distress in shallow water 100 yds offshore at North Larsen's entangled in the rubber bands of a castoff Hawaiian sling spear and some additional debris. Earl Miyamoto, ITP Program Coordinator, and volunteer responded and disentangled the seal. On June 14, 2009, the weaned pup, A00, was again entangled, this time with rope anchoring the pup to barrier on shore. Volunteers cut the rope, but the rope was still knotted around seal's neck. Olry mounted a response, but the seal freed itself about 30 minutes later.

### **Special Needs Seals – Kaua'i**

***Seal RK13 was monitored with lesion on the posterior dorsum. The seal seems to be doing OK, despite the fact that the lesion has been observed since December 2008. Seal W48 was also monitored with a black spot, possibly oil, on left side of chest, first observed in late February. The seal also appears to be doing relatively well.***

### **Injured, Hooked and/or Entangled Seals – Hawai'i Island**

On Monday, June 15th, 2009, Viezbicke took a report of monk seal with line coming out of mouth. Viezbicke responded, but the seal left the site in North Kohala before he was able to arrive. Fortunately, the reporting party was able to take some photos to verify that the seal was indeed hooked or entangled in monofilament line. With the help of the volunteers, Vizbicke spent the rest of the week searching the coastline and conducting community and raising awareness for seals. On Saturday, June 20th, 2009, the team finally found the 10-month old female seal and were able to capture her and have her "veti-vacced" to Oahu courtesy of the USCG. On June 23rd on Oahu, the hook was removed by NMFS PIRO staff and contract veterinarians, and on the 24th the seal was returned to the Big Island where volunteers and UH Hilo students brought her back up to the North Kohala coastline and released her.

### ***Enforcement-Related Monk Seal Protection Activities – Kauaʻi – Two Seals Dead of Suspected Foul Play***

On April 20, 2009, a 5-year old subadult male monk seal (“RK19”) was discovered dead at Kaumakani on the west shore of Kauaʻi. Olry assisted in the response to the dead seal. This otherwise healthy seal was observed alive just one day earlier, during the NOAA Fisheries Service semi-annual Hawaiian monk seal count. (In 2008, this seal was fitted with a crittercam as part of a main Hawaiian Island foraging study conducted by PIFSC). On May 21, 2009, a female monk seal (potentially in her mid-teens) (“RK06”) was discovered dead at Pila'a beach on the north shore of Kauaʻi. A necropsy revealed that the seal was carrying a near term, male monk seal pup. Olry also assisted in the response to this dead seal. This female has had five pups in the past and was pregnant with her sixth. This female was an important breeding female and a huge loss for the main Hawaiian Islands monk seal population. NMFS PIRO staff performed necropsies on both animals; the cause of death of RK06 has been determined to be a result of shooting. Both incidents are currently under investigation by NOAA Office of Law Enforcement (OLE). State sanctuary staff led a memorial ceremony for these two seals in mid June (see Education and Outreach section below).

### ***Volunteer Response Network Development***

#### **Volunteer Response Network Development – Kauaʻi**

Over the last 4 ½ years, more than 300 volunteers have been recruited to assist with several duties they have been recruited and trained to accomplish. Many of the volunteers are part-time residents, or month long visitors, as well as about 60 active resident volunteers that participate, when available, with daily seal haul-outs. During the reporting period, a primary volunteer network phone tree was further refined, updated and distributed to key response coordinators. Olry and McIlroy also completed the following volunteer related activities: Compiled photographs and current scar cards of common Kauaʻi seals to print and laminate seal ID cards for volunteers to use in the field. Produced and delivered “Pup sitter mahalo and recognition for excellent efforts” certificate for volunteers. Organized and delivered for volunteers a debrief meeting and celebration of successful pup sitting for Mahaʻulepu pup, W48. New volunteers recruited on the beach for south and east shores. Supplied volunteers with new booklet “Making a Difference - Action Guide to Marine Conservation in Hawaiʻi” to use and disperse to resorts and community leaders. Regular replenishment and distribution of outreach materials to volunteers. Seal updates and weekly newsletter sent to all volunteers and to pup sitters regarding pup development and management. Presentation about monk seals to train new north shore recruits and Kilauea Point Wildlife Refuge volunteers. Also provided t-shirts, outreach materials, and seal protection zone supplies. Worked with volunteer State Parks Ranger Megan Juran to re-supply north shore sites (lifeguards and volunteers) with ropes and signs for haulouts in the Haena State Park. Recruited and scheduled additional volunteers to cover pup event at Larsen’s while mom and pup moving frequently on the beach. Seal Count training for new recruits and to schedule team leaders. Sixty people on Kauaʻi participated in the state-wide Hawaiian monk seal count sponsored by NMFS PIRO. Recruited new volunteers at Kekaha to assist with juvenile hauling out regularly on the beach rarely used by seals. Supplied seal protection zone supplies to lifeguards at Kekaha due to recent seal haul-outs. Volunteer helped to deliver SPZ supplies to YMCA camp and lifeguards on north shore, where more seals are hauling-out during summer season. Recruited and with assistance of volunteers, maintained schedule for “pup sitting” at Larsens, and also anticipating other births in same location.

#### **Volunteer Response Network Development – Hawaiʻi Island**

Viezicke continued to hold monthly volunteer network meetings on the first Tuesday of every month. The network also continued enlisting new members at all other outreach activities and during other field response activities (e.g., seal hooking, stranded whales). As a result, the Hawaiʻi Island network has been able to recruit more people who see what the team does and then want to get involved.

## **Resource Protection – Policy**

The state sanctuary program continued to represent DLNR on all policy analysis and development related to protecting Hawai‘i’s marine mammals and sea turtles. In this capacity, the state sanctuary office drafted more than 10 letters for the Governor’s signature to various agencies, organizations and concerned citizens, expressing the state’s position on various aspects of marine protected species policy. Other important activities and events related to resource protection are described below.

### ***Marine Mammal Response Network***

On June 3 - 5, 2009, NMFS PIRO hosted the 4<sup>th</sup> annual Marine Mammal Response Network Meeting (otherwise known as the Hawaiian Monk Seal and Cetacean Stranding Response Network Meeting). With a major meeting coordination effort performed by the Maui marine mammal response coordinator, Nicole Davis (NMFS PIRO contractor), the meeting (perhaps better referred to as a conference) brought together more than 40 coordinators, volunteers, scientists, educators and other concerned citizens to join numerous presentations and discussions on marine mammal response activities and policies throughout the Hawaiian Islands. State sanctuary staff provided six presentations over the course of the three-day meeting. The state sanctuary operations coordinator (Nichols) presented a season summary for Hawai‘i’s humpback whale response, including entanglements and collision, and a ‘case study’ of the July 2008 sperm whale carcass removal from Kahuku Point on Oahu’s North Shore. The Hawai‘i Island sanctuary programs coordinator (Viezbicke), Kaua‘i monk seal response coordinator (Olry), and ITP Coordinator (Miyamoto) also gave presentations on their respective response and management activities over the past year. The third day of the meeting was held at the sanctuary’s new education center in Kihei.

### ***Aquaculture – Nearshore Fish Farms***

DLNR Office of Coastal and Conservation Lands (OCCL) has accepted a CDUP application (including an EA) from Cates International, Inc., to add four new cages to the four cages currently in operation raising moi off the coast of Ewa, Oahu. The public comment period expired recently and the application is currently in preparation by OCCL staff for consideration by the BLNR. No BLNR hearing date had been set at the date of this report. Given the fact that this fish farm is not located within the sanctuary boundary and is in an area of relatively low humpback whale density, the state sanctuary office declined to comment on the CDUP application and EA.

Kona Blue Water Farms (KBWF) has reportedly voluntarily withdrawn its CDUP application to expand its kahala (amberjack) raising farm off Keahole Pt, Hawai‘i Island. The state office had not yet taken a formal position regarding the proposal, as it was awaiting more detailed plans and discussions with the applicants. The reason(s) for the application withdrawal was not clear at the time this report was prepared.

State sanctuary staff continued communicating with Kona Blue Water Farms (KBWF), NMFS PIRO and OCCL regarding numerous bottlenose dolphins that have apparently taken up “residence” at the existing fish farm facility, feeding on escaped fish stock (kahala) and wild fish attracted to the structure. State and NMFS staff also conducted snorkel surveys of the farm to directly observe the dolphins of concern. The dolphins continued to exhibit various behaviors, such following divers and pulling at cage structures, that raise concerns for human safety and the long-term health of the dolphins. Various mitigation measures have been developed and implemented by KBWF with only a moderate amount of success to date. Recently, a dolphin with a hook in its mouth trailing monofilament line has caused concern (see section above on cetacean stranding response).

### ***Hawaiian Monk Seal Conservation and Recovery Policy***

In addition to administering the incidental take permit (ITP) program designed to protect seals from nearshore fishery interactions (discussed below), the state sanctuary office was active as the state’s lead within DLNR analyzing, developing and communicating state monk seal protection policy. In this capacity during the reporting period, the co-manager represented DLNR and the state during several

conference calls and meetings regarding the possibility of holding a “Monk Seal Summit.” The summit, as originally proposed by the Marine Mammal Commission, was to bring four major agency partners together (NMFS, NOS Sanctuaries, DLNR, USFWS) to sign an agreement committing to collaboration on monk seal recovery and management in the Northwestern Hawaiian Islands and Main Hawaiian Islands. The exact nature and date of the summit have yet to be finalized, but the four agencies agreed to several collaborative activities in the meantime, including

### Hawai‘i State Legislature

The state sanctuary office took the lead in drafting supporting DLNR testimony for the resolutions HCR288, HR260, SCR 1351/52, and SR117, all of which urged the state to “designate the third Saturday of every April as “Hawaiian Monk Seal Day,” to coincide with NOAA’s statewide annual monk seal count; that this day be designated as a day to educate residents and visitors about how to protect this critically endangered species; and that the Department of Land and Natural Resources coordinate with the county governments and NOAA to implement the (Hawaiian Monk Seal) Recovery Plan.” All of these resolutions were adopted in late April 2009.

On March 13, 2009, HR179 was offered, but this resolution was never heard in committee. The resolution urged the federal government to “prohibit dumping of vessel sewage within the boundaries of the Sanctuary by adopting rules pursuant to the enabling legislation authorizing and creating the Sanctuary; and that the Department of Land and Natural Resources and other state agencies and personnel, including the State Co-Manager of the Sanctuary, are requested to cooperate with, assist, and encourage efforts to prohibit dumping of vessel sewage within the boundaries of the Sanctuary.” The language in this resolution is similar to that of resolutions offered (and also never passed) during previous legislative sessions in recent years.

### Science and Research

#### Vessel-Whale Contact Incident Data

Ed Lyman, sanctuary marine mammal response manager (NOAA NOS), worked with the sanctuary co-manager, David Schofield, NMFS PIRO marine mammal response network coordinator, and other NOAA staff to compile the following data regarding incidents of vessels and whales coming into contact with each other in Hawai‘i. The data cover the past seven humpback whale seasons.

Vessel-Whale Contact / Collision Reports	Year / Season							Total
	02 - 03	03 - 04	04 - 05	05 - 06	06 - 07	07 - 08	08 - 09	
Total Reports	2	3	3	6	6	12	9	41
Total Reports w Signs of Whale Injury	0	1	2	2	3	4	3	15

*Total Reports = Reports received and confirmed by NOAA HIHWNMS and/or NMFS of contact or collision between humpback whales and vessels in Hawaiian waters. Most reports were made by the vessel operator or owner. Some reports were made by third party or inferred by NOAA staff upon observation of whale(s) with injuries consistent with a vessel collision.*

Total Reports w Signs of Injury is the subset of Total Reports where signs of whale injury were observed. This does not imply that other incidents did not possibly involve injury, only that injury was not observed. In most cases, only fleeting glimpses of the whale were seen after the incident and signs of injury are often difficult to detect in these circumstances.

This table was created by reviewing a database maintained by sanctuary rescue response staff, and other data sources (NMFS - national records, NMFS PIRO staff reports, and research reports by Marc Lammers and Adam Pack).

**Important:** This table and associated data are considered preliminary and subject to change. Please do not cite or redistribute this information without first consulting with sanctuary management and NMFS PIRO PRD. All vessel-whale contact incidents are subject to investigation by federal and state law enforcement authorities.

### Hawaiian Monk Seal Population Assessment – Kaua‘i

To collect scientific data about the individual seals observed and protected on Kaua‘i, volunteers assisted the seal response coordinator, Mimi Olry, DVM, and part-time NMFS PIRO contractor, Wendy McIlro, DVM, to record and photograph seals daily, watching particularly for any abnormalities, injuries,



or changes. These data were compiled and provided to the NMFS PIFSC for use in the PISFC MHI monk seal population assessment project. Samples of seal scat, spew and molt were also collected, preserved and shipped to PIFSC on Oahu for further analysis. Volunteers worked with Olry and McIlroy to aid NMFS biologists and researchers to track, capture, and transport seals for research or injury responses. One pup, PK1, was tagged under PIFSC oversight after it weaned during the reporting period.

### State Humpback Whale Research Permits

State operations coordinator, David Nichols, continued to oversee compliance with the eleven state humpback whale research permits issued for the 2008-2009 season, in close coordination with NMFS permitting officials. Nichols also attended the annual humpback whale researcher meeting at Lahaina, Maui on February 9, 2009. The NMFS PIRO coordinated meeting allowed state DLNR, NMFS, NOAA OLE, NOAA sanctuary and USCG representatives to meet with permitted 2008-09 humpback whale researchers to discuss current issues and provide updates on the upcoming season.

### Education and Outreach

State sanctuary staff continued to be active in education and outreach during the reporting period. Efforts in this area ranged from conducting boater workshops to reduce vessel-whale interactions to staffing booths at fishing tournaments. Education and outreach highlights include:

#### Ocean Etiquette Program

A statewide outreach campaign, often referred to as the “Ocean Etiquette Campaign” or “Boater Outreach,” was again implemented this 2008-2009 humpback whale season, targeting ocean users with key messages regarding vessel-whale collision avoidance and voluntary compliance with the 100-yard humpback whale approach rule and other conservation messages. The campaign entailed six boater workshops statewide (60+ participants), targeted mailings of outreach materials, harbor signage, and extensive news media coverage (more than a dozen TV, radio and print stories). The co-manager also gave a season wrap-up on vessel-whale interactions for the season at the HOST meeting in April 2009.

#### Hawai‘i Island Education and Outreach Activities

The Hawai‘i Island programs coordinator oversaw the following activities during the reporting period:

##### *Presentations/Lectures*

- 3-3-09 Marriott Whale presentation (20 people)
- 3-17-09 Marriott Whale presentation (50 people)
- 3-24-09 Whale presentation for 8-12 year olds at Jacks Diving Locker camp (15kids)
- 3-25-09 Whale presentation for Sustainable living farm staff/volunteers in Honaunau
- 5-9-09 Monk seal presentation at Jack’s Diving Locker (15 people)
- 5-18-09 Whale and seal presentations Kahala Elementary (25 students/15 adults)
- 6-5-09 Ocean Safety presentation to Kona Lifeguards

##### *School Activities*

- 3-17-09 7<sup>th</sup> Grade whale presentation Kealakehe Middle School(70kids)
- 3-18-09 7<sup>th</sup> grade whale presentation Parker Middle School (40 kids)
- 3-20-09 Whale watch with 7<sup>th</sup> grade Kealakehe class (volunteers only)
- 4-27-09 2<sup>nd</sup> Grade Whale presentation at Kealakehe elementary (40 kids)
- 4-29-09 Hawai‘i Montessori school - whale activities with all classes at school (100+kids)
- 5-27-09 4<sup>th</sup> Grade Holualoa Career day presentation (60 kids)
- 6-24-09 7<sup>th</sup> – 9<sup>th</sup> Grade Seal presentation (30kids)

##### *Community Event*

- 4-25-09 Earth Day Kahaluu Beach Park- Volunteers and staff spent the day educating kids of all ages on whales, monk seals and earth day trivia.

### Monk Seal Education and Outreach on Kauaʻi

Kauaʻi monk seal response coordinator, Mimi Olry, DVM, conducted and/or oversaw the following education and outreach activities during the reporting period.

*General Public* - Presentation to Lihue Kiwani's Club. Worked and met with graphic designers contracted to produce signage for east coast multi-use path for monk seal conservation and protection. Powerpoint presentation at Princeville Community Center about monk seals in the main Hawaiian Islands.

*Fishers* – Numerous informal talk story sessions on the beach. For instance, volunteer, James Yamamoto, SAC rep, instructed fishermen camping at Mahaʻulepu to avoid disturbing and injuring monk seal pup present. Spoke to young fishermen ulua fishing at Mahaʻulepu for 4 days to investigate bait used and their response when pup was present and then hooked. They were receptive to barbless hooks and pulled up poles when seals seen. Discussed with them seal foraging behavior, use of live bait, and hotline numbers to call when seal or turtles hooked. (2/8)

*Schools* - Met with Niʻihau students at Kekaha to discuss Lehua Restoration project, humpback whale calf stranding and report of sick seals at Niʻihau by Robinsons. Met with Bill Barchers to give powerpoint teaching materials, handouts and recommendations for his ROTC Cadets to do education programs at Kapaʻa High School about monk seal conservation on Kauaʻi.

*Agency and NGO Partners* - Updated Head Lifeguard, David Duncan at Salt Ponds county beach park of NOAA and DLNR monk seal conservation, Kauaʻi volunteer network and discussed how to improve signage put out to protect seals. Meet with USDA agents to collect their seal sighting reports, and encourage better communications with hualouts at PMRF Navy Base. With supervisors, met with Ocean Safety Bureau to acknowledge and thank for assistance with marine mammal strandings, seals and public safety. Followed up with MCBI, Oahu Monk Seal Volunteer nonprofit, and Jen Metz with PIRO to proceed with project.

*Resort and Private Property Owners* - With DLNR and NMFS supervisors, met with Falko Partners to discuss pup events at the N. Larsens location. Met with Doug Sears, GM for Grand Hyatt to discuss his education/conservation idea of placing stuffed Hawaiian Monk Seal with information, for sale in each resort room.

### Monk Seal Memorial Ceremony, Kauaʻi

Sanctuary staff and NMFS PIRO staff worked together to hold a community memorial service for the two Hawaiian monk seals that were allegedly intentionally killed on Kauaʻi in April and May 2009. The beachside service on Kauaʻi's South Shore, attended by more than 100 volunteers and the public, included a native Hawaiian ceremony and the traditional scattering of ashes at sea via outrigger canoe, under the guidance of native Hawaiian practitioner and Hawaiian cultural educator Kumu Sabra Kauka. The ceremony provided an opportunity for Kauaʻi's community to show respect and caring for the seals that were lost, and all seals, and wildlife, as well as to highlight the positive work the community is accomplishing to protect monk seals and all wildlife, and to recognize the work of the volunteers and others within the community who care for the seals, and all wildlife and habitat. The event generated extensive new media coverage with stories in the Honolulu Advertiser and on various TV news programs.

### **ESA Section 10 Incidental Take Permit Program**

The state office of the sanctuary administers DLNR's ITP program, which is responsible for reducing recreational fishery-related interactions with Hawaiian monk seals and sea turtles. The long-term goal of the program is for DLNR to obtain an ESA Section 10 incidental take permit (ITP) from NMFS for the incidental take of seals and turtles in nearshore recreational fisheries managed by the state of Hawaiʻi, e.g., shorecasting, lay gill netting, etc. Short and mid-term goals include developing and testing outreach, monitoring and reporting methods, and drafting a conservation plan required for the permit application. Direct costs for the program since October 2007 have been covered by NMFS via an ESA Section 6 grant to DLNR and by state general funds appropriated by the Hawaiʻi Legislature. The sanctuary co-manager and other NOS-funded state program staff provide administrative and other support

for the ITP program. A new ESA Section 6 grant (Protected Species Cooperative Conservation grant) was awarded to the DAR sanctuary program based on a proposal submitted by the state sanctuary office in September 2008. The new grant period will become effective on July 1, 2009, and with modest matching state general funds, will cover basic personnel and program costs for the Kaua'i monk seal response coordinator and the two ITP program staff for eleven months.

Over the reporting period, the ITP Coordinator (ITPC, Earl Miyamoto) spent more than 100 hours at various popular shoreline fishing locations on Oahu and Kaua'i, initiating conversations with more than 50 fishers, during which he elicited their understanding and concerns regarding monk seal and sea turtle interactions and shared key outreach messages regarding the mutual benefit of take reduction and compliance with the ESA, MMPA and state law. He responded to approximately 10 calls regarding fishermen and the general public which appeared to be possible violations of rules/regulations or posed potential risk of harm to the seals/turtles in the vicinity of the activity. Three of these incidents were intercepts of fishermen utilizing what appeared to be illegal nets. On three different occasions, the ITPC intervened to stop fishing activities that were likely to have resulted in entanglement if not immediately stopped or modified. On both occasions apparently illegally set gill nets were being fished in waters frequented by seals and turtles. One net was voluntarily removed by the fishermen at the request of the ITPC after discussions with them and reviewing the State fishing regulations. Another was removed by State Enforcement officers and the third was removed by the fishermen before action could be taken. Other responses included interventions that resulted in fishers voluntarily moving their shore casting activities away from a monk seal pup nursery area and important sea turtle basking and foraging habitat.

The ITPC conducted education and outreach to fishermen by attending eight fishing tournaments across the state. A booth was setup at each tournament advocating the use of barbless circle hooks and provided free literature and sample hooks the fishermen. He also routinely (weekly) visited the shoreline where there is a concentration of either seals or turtles to speak with fishermen. These visits occurred primarily on Friday and Saturday evenings/nights when the area is heavily fished. The ITPC also reached out to other stakeholders by attending/presenting at Monk Seal volunteer training sessions; attending and presenting to the Board of Directors of Malama na Honu the turtle volunteer NGO; conducting training for the turtle volunteers and presenting at Hawai'i Pacific University Conservation Biology classes. The ITPC spent three to four days on Kaua'i on four separate occasions to provide relief to the Kaua'i monk seal response coordinator and to conduct outreach to fishermen. The Kaua'i monk seal response coordinator lost the support of her associate (Dr. McIlroy) as of early May 2009 and the ITPC provided invaluable back-up by manning the Kaua'i Monk Seal Hotline, coordinating volunteers and monitoring two newborn pups located at remote sites on a continuous basis on her own.

A partnership was established with The Pacific Islands Fisheries Group (PIFG), a non-profit organization established in 2005 to help organize and keep Pacific Island Fishermen informed. The group supports programs that directly benefit Hawai'i's marine resources, enhance fishing community awareness and all conservation practices. PIFG also support agencies responsible for managing and conserving our island fisheries. The ITPC is collaborating with the group in establishing a fishing code of ethics with the major fishing clubs on all islands.

The ITPC attended the following meetings/conferences/workshops to gain further knowledge on the issues: Hawaiian Monk Seal & Cetacean Stranding Response Network Meeting, a meeting with Hawaiian residents from Molokai regarding Hawaiian Monk Seals and Fishermen conflicts on Molokai, and a DAR meeting with Kaua'i fishermen on sustaining/recovery of marine resources

The Incidental Take Permit (ITP) Program Administrative Coordinator (AC), Lisa White, continued to gather data for inclusion in the ITP Habitat Conservation Plan. She submitted an abstract for a poster to the 2009 American Fisheries Society Annual Meeting in which was accepted for presentation. She was unable to attend the meeting due to funding constraints. She submitted pre-proposals for three (3) grants to support mission goals, one of which has been submitted as a full proposal. Determination on the outcome will be forthcoming in August 2009. The AC also coordinated with the Protected Resources Division's Sea Turtle Recovery Program coordinator at the Pacific Island Regional Office in obtaining \$10K for purchasing biodegradable fishing line, equipment and hooks for an

independent barbless hook program. The program will provide barbless hooks and literature to the volunteer groups working with the Hawaiian monk seals and green sea turtles to handout to fishermen they encounter on the shoreline. The AC also attended two of the fishing tournaments with the ITPC conducting outreach through the Barbless Hook Program. She also was part of a team which dehooked a seal during March 2009 on Oahu. In addition, the AC initiated a dialogue to strengthen the state-federal partnership by meeting frequently with NOAA NMFS and NOS employees to gather information to develop the conservation plan for the ITP application. To understand enforcement issues, she met with state conservation enforcement, NOAA Office of Law Enforcement (OLE), and USCG officers, and made arrangements to continue to work with these agencies on the monitoring and enforcement aspects of the conservation plan.

### **Vessel Support**

The state sanctuary program at DLNR continued to provide berthing and storage and other support services for the NOAA vessels SeaCat, Hiimanu and ManaCat. On major success over the reporting period was the relocation of the 36' ManaCat vessel from the DAR facility at Sand Island to the NOAA facility at Ford Island coordinated by state ops coordinator, David Nichols. The vessel move over the roadways required the use of special towing contractors.

### **Program Management and Administration**

#### ***Program Funding***

In May 2009, the federal services contract between NOS and DLNR was extended for another year - from June 2009 through May 2010). This contract provides federal funds for personnel costs for three positions (co-manager, state operations coordinator and Hawai'i Island programs coordinator) and a limited amount of funds for other program costs. The program also successfully applied for and was awarded a 2<sup>nd</sup> grant from NMFS under Section 6 of the ESA. This grant covers costs associated with three personnel (Kaua'i monk seal coordinator and two ITP staff) and a limited amount of other program costs (see section on ITP above). The ITP staff are also supported through by state general funds appropriated in the base budget of DAR as well as additional state general funds appropriated by the Legislature as an "add on" during the 2008 session. It is worth noting that DLNR absorbs all overhead (G&A) costs associated with administering the state sanctuary program. The state also provides significant in-kind contributions to the program in the form of vessel berthing and storage, office space, equipment storage, vehicles, etc.

#### ***State Budget Crisis, Possible State Staff Furloughs, Etc.***

At the time of writing this report, a serious two-year state general fund budget shortfall is forecast and negotiations between the state and the unions to help resolve this shortfall are ongoing. Furloughing the six state sanctuary program positions is still a possibility. All six staff are represented by HGEA, Bargaining Unit 13 – "statutory dues" are collected from each paycheck. Four of the positions are 100% federally funded as of July 1, 2009, and two of the positions are 50% federally funded, so furloughing these positions would save no and little state funds respectively.

### **Other Activities**

#### ***Hawai'i's Ocean Resources Management Plan***

State sanctuary operations coordinator, David Nichols, continued representing DAR on the Kaena Point Stewardship team which drafted a plan for the area with a focus on the north shore of Kaena Point. Nichols' is charged with representing marine mammal (monk seals) and sea turtle management concerns - the area is used extensively for monk seal haul out and foraging. The draft stewardship plan is an attempt to look holistically at Kaena Point – the resources, the uses, the impacts. DLNR is now seeking public input on management actions it plans to implement in the Kaena Point Stewardship Area. The plan represents a unified management approach to protecting the historical, cultural, and biological integrity of the north coast of Kaena Point.

### Sea Turtle Conservation

*Kaua'i* – On several occasions throughout the reporting period, Olry and volunteers roped off turtles coming onto the beach to rest at crowded Poipu Beach Park and vicinity. Olry retrieved sick turtle at Poipu County Beach Park for Don Heacock (2/14). Olry and volunteers monitored with lifeguards turtle laying in the keiki pool at Poipu. Sick turtle monitored for two days on the tumbolo at Poipu beach park. Turtle retrieved by Don Heacock to send to NOAA. Olry coordinated volunteer assistance for DoCARE and DAR to investigate a turtle reported trapped in rocks at Port Allen (5/7). Olry investigated turtle reported by fisherman covered with tumors at Koloa Landing (5/10). PMRF reported large turtle with boat strike injury and requested how to care for turtle until Don Heacock arrived to retrieve turtle (5/13). Dead turtle called in, volunteers responded and pulled turtle up beach and marked it for Don Heacock to retrieve (5/13). Turtle reported stranded on rocks at Kealia county beach park. Volunteers responded until Don Heacock arrived (5/14). Turtles nest observed at North Larsens and reported to Don Heacock (5/20). Olry received report of turtle on Kitchen beach where trucks are driven. Volunteers responded with DAR's Don Heacock to rope off and protect nesting turtle and her nest from loose dogs and trucks (6/9). Turtle nests were observed, marked and reported to Don Heacock at Palamas, Larsens, and Maha'ulepu.

*Hawai'i Island* - In the first week of May, Laura Livnat (volunteer and DAR employee) and Viezbicke went to Oahu to spend two days working with George Balazs, Director of the Marine Turtle Research Program, PIFSC, and his staff, receiving the latest training on sea turtle response, and treatment and transport protocols. As a result, Viezbicke and volunteers are responding to many more turtle calls on the Big Island, and have added a new freezer and turtle gear (provided by PIFSC) to our response equipment cache.

### **Meetings, Etc.**

(Date – Event description: state staff person involved)

Feb 4 – Staff mtg re management plan review (MPR): all staff

Feb 5 – Communications team mtg re MPR communications plan: various staff

Feb 12 – Conf call re seal summit: co-manager, other NOAA staff

Feb 18 – Mtg with Laura Thielen re monk seal summit: co-manager, Dan Polhemus

Mar 2 – Mtg with Athline Clark re program coordination: co-manager

Mar 5 – Mtg with Earl Miyamoto and Lisa White re ITP program update: co-manager

Mar 5 – SAC executive committee conf call: co-manager

Mar 19 – Presentation to PMNM advisory group re SAC lessons, recommendations, etc: co-manager

Mar 27 – Accompanied NOS Director Jack Dunnigan on site visit to Kona office: co-manager and Hawai'i Island coordinator

Mar 29 - Apr 3 – Attended the First International Conference on Marine Mammal Protected Areas, co-sponsored by the sanctuary on Maui: all staff

April 13 – Kihei education center grand opening ceremony: all staff

April 15 – Conf call re MMRN annual conference: all staff

April 15 – SAC executive committee conf call: co-manager

April 17 – SAC conservation and research committee conf call: co-manager

April 27 – Mtg with Earl Miyamoto and Lisa White re ITP program update: co-manager

May 6 – CPR training: co-manager and state operations coordinator

May 27 – Mtgs with Kaua'i Police Dept, Kumu Sabra Kauka, and Falco Properties management staff re various monk seal conservation coordination issues: co-manager and Kaua'i monk seal response coordinator

June 3-5 – Participated and gave various presentations at annual MMRN conference: all staff

June 8 – Conf call with NMFS staff re ESA Sec 6 grant: co-manager

June 12 – Hawai'i Coral Reef Initiative management committee mtg: co-manager

June 12 – Conf call re Kaua'i monk seal memorial ceremony: co-manager and Kaua'i monk seal response coordinator

June 22 – Mtg with DAR and DLNR Fiscal staff re ESA Sec 6 grant administration: co-manager

cc: Laura H. Thielen, DLNR Chairperson  
Ken C. Kawahara, First Deputy, DLNR  
Naomi McIntosh, HIHWNMS Sanctuary Superintendent  
Dan Polhemus, DLNR-DAR Administrator  
Allen Tom, NMSP Pacific Islands Regional Coordinator  
Lisa VanAtta, NMFS PIRO PRD Assistant Regional Administrator

## **Hawaii County SAC Report** (back to [Table of Contents](#))

July 14, 2009 Meeting

Justin Viezbicke, Coordinator

Luana (Nan) Howell, Representative

Victoria (Vicky) Newman, Alternate Representative

### **Accomplishments:**

- Justin is interviewed on the Big Island Visitors' Channel (cable #9) with a presentation about disentanglement and the gear used. It is shown 3-4 times a day.
- 7<sup>th</sup> grade whale presentation at Kealakehe Middle School and whale watch boat trip with 70 students.
- Whale presentation at Montessori School for all 100+ students, ages 18 months to 8 years. We made whale tails and played the whale tail identification bean bag toss game.
- Monthly West Hawaii Marine Mammal Response Network (WHMMRN) meetings to update volunteers on marine events happening in Hawaii.
- 25 Junior High Summer Enrichment Program students - presentation on Hawaiian Monk Seal (HMS) B18-19 plus they made HMS awareness signs for community distribution.
- Humpback Whale Seasonal presentations at:
  - The Keauhou Outrigger Beach Hotel on Thursdays 9-11. We talked to 216 visitors with a total of 60 volunteer hours.
  - Puukohola Heiau National Historical Site on Fridays 9-11. We talked to 586 visitors with a total of 50 volunteer hours.

### **Events Attended:**

- Justin attended a honu response training on Oahu with George Balasz.
- Justin and 3 volunteers attended the Monk Seal conference on Maui.
- Participated in Turtle Independence Day (July 4) at the Mauna Lani Resort.
- West Hawaii Fisheries Council meetings,
- Monthly Reef Talks,
- CORAL 's West Hawaii Voluntary Marine Standards ongoing meetings.
- Vicky Newman (alternate) is a Board Member of Manta Pacific and was instrumental in passing the "Manta Bill", HB366 creating Act 092(09). This makes Hawaii the first US State to protect manta rays and it joins Mexico, Yap and the Philippines in protecting these animals.

### **Hot Topics:**

- Hawaiian monk seal B 18-19 (male born 8-20-07) is frequenting the West Hawaii coast and hauling out on many popular beaches as well as foraging in the Kaloko-Honokohau Small Boat Harbor and hauling out on the boat ramps.
- Hawaiian Monk Seal W 34-35 (female born 9-20-08) hooked near Kapa Naia Beach (North Kohala area.) Transported by USCG plane to Oahu for removal procedure. Returned to the Big Island June 25. (Thank you USCG!!)
- Kogia (pygmy sperm whale) beached near north Puako – necropsy preformed June 29 with Dr. Kristi West, David Nichols, Nicole Davis and 8 volunteers.

30 June 2009

**MEMORANDUM** (back to [Table of Contents](#))

To: Hawaiian Islands Humpback Whale National Marine Sanctuary Advisory Council

From: Bill Friedl, Honolulu County Council Representative

Subject: County Representative Report

My Council-related activities are summarized below:

- I participated in the O`ahu Ocean Count as a Site Leader (Junior Grade) for Site 10, Turtle Bay Resort, on 28 February and 28 March.
- I sent comments on the Draft Statewide Large-capacity Ferry Environmental Impact Statement to the Department of Transportation Harbors Division (Michael D. Formby) and the Office of Environmental Quality Control (Katherine Kealoha) as a private citizen and business owner. A copy of the letter to Mr. Formby is attached.
- On 30 March, I attended the opening day of the ICMMPA Conference in Wailea, Maui. A report is attached.
- On 23 June, I addressed the Hawaii Section of the Marine Technology Society to update the members on Sanctuary activities and plans. A report is attached.



21 February 2009

Mr. Michael D. Formby  
Deputy Director, Department of Transportation Harbors Division  
79 South Nimitz Highway  
Honolulu, HI 96813  
Fax: (808) 587-3652

Dear Mr. Formby:

This letter transmits comments on the Draft Statewide Large-capacity Ferry Environmental Impact Statement, specifically, large-capacity ferry operations within the Hawaiian Islands Humpback Whale National Marine Sanctuary. The letter further requests that the state submit the large-capacity ferry policies for operations in Sanctuary waters presented in the Draft EIS to the National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service for review, comment, and vetting prior to implementation of such policies in Sanctuary waters.

The report recommends that the ferry continue to avoid passage through Sanctuary waters except for reasons of passenger safety and to reduce speed to less than 25 knots when such routing becomes necessary. In September 2003, the Hawaiian Islands Humpback Whale National Marine Sanctuary hosted a workshop on Management Needs to Minimize Vessel Collisions with Whales in the National Marine Sanctuary and Other Marine Sanctuaries in Kihei, Maui. Data presented at that workshop and in subsequent reports show greatly increased chance of collisions between large-capacity vessels and whales when the vessels' speed exceeds 15 knots. Given the information presented above, I endorse the recommendation that the ferry avoid Sanctuary waters whenever possible and limit speed to 15 knots or less if such routing is required for passenger safety.

The report also states: "Currently, night-time detection of whales is the weak link in the whale avoidance system of a large-capacity ferry" and discusses the use of bow sensors and night vision binoculars to detect whales in Hawaiian waters. Unfortunately, none of the technical fixes proposed have been proven effective in detecting humpback whales in low-light conditions in Hawaiian waters; the large-capacity ferry is literally "flying blind" in Sanctuary waters as far as whales are concerned. The remediation proposed in the report is woefully inadequate: the technology is untested and lacks sensor operating statistics to assess likely performance in the specific operational environment. Ferry policy for whale avoidance in low-light conditions should be reviewed and vetted by NOAA prior to ferry operation in low-light conditions in Hawaiian waters.

I appreciate the opportunity to submit these comments on the Draft EIS.

Sincerely,

William A. Friedl  
Fellow, Marine Technology Society  
Charter and Life Member, Society for Marine Mammalogy

16 April 2009

From: William A. Friedl, Hawaiian Islands Humpback Whale National Marine Sanctuary Advisory Council Chair

Subject: **Trip Report** – Travel to Wailea, Maui 30 March 2009

Purpose:

- Attend and observe opening day activities at the First International Conference on Marine Mammal Protected Areas as a representative of the Hawaiian Islands Humpback Whale National Marine Sanctuary Advisory Council Executive Committee.

I arrived at the meeting venue at 09:30 a.m. at the start of **Symposium 1: Keynote and discussion on Designing MMPAs and MMPA Networks**. The session was moderated by Erich Hoyt (UK) and included presentations by Brad Barr (USA), Giuseppe Notarbartolo di Sciara (Italy), Ricardo Sagarmina van Buitenen (Spain), Trevor Ward (Australia), and Irini Papanicolopulu (Italy). The presentations were quite comprehensive and provided specific examples of successful actions for marine mammal preservation from the Pacific, Indian and Southern Oceans and the Mediterranean Sea. I was particularly interested in the examples given for Habitat Preference Modeling, ocean zoning / ocean spatial planning, and resolution of conflicts for spatial use versus cetacean protection. In the latter instance, the preferred approach seems to include description of marine mammal critical habitat using the Convention for Biological Diversity as guidelines. Discussions about networking between conservation regions pointed out the need to build networking into long-term management plans for protected areas. Interaction points of interest include conservationists' work with NATO to describe distribution and movement of beaked whales in naval operating areas, the use of good will rather than regulation to control whale watching activities in protected areas, and involving stakeholders such as fishers directly in research, education and management efforts within the areas. Other discussions included trade-off analysis to identify best ways to utilize resources within protected areas and legal aspects of high-seas protected areas. The session's presentations had a wealth of pertinent information for the upcoming Management Plan Review.

**Panel 1, Marine Mammal Research within MPAs and the Link to Networking** was convened by David Matilla and included presentations from Liz Sloatin (New Zealand), Leila Hatch (USA Stellwagen Bank NMS), Sascha Hooker (UK), Rob Williams (Canada), Ana Canadas (Spain), Mabel Augustowski (Brazil), Rubaiyat Mansur Mowgli (Bangladesh), and Vincent Ridoux (France). Several themes from the talks were pertinent to the Hawaiian Islands Humpback Whale National Marine Sanctuary and the upcoming Management Plan Review. Those themes included: the need to have rational protection and to implement measures that have at least a chance to halt severe decline of marginal populations (Sloatin – may pertain to Hawaiian monk seals within the Sanctuary); you can leverage a lot of research with collaboration with academic and industrial enterprises (Hatch); research indicates that the critical aspects of critical habitats may be complex and difficult to single out and there is a critical need for smaller, less expensive deployable tracking devices (Hooker); small Marine Protected Areas may provide valuable experimental controls and serve as tools to conserve rare mammalian behaviors (Williams – may pertain to resting areas for spinner dolphins in the Sanctuary); spatial modeling can yield accurate predictions of a real abundance for small cetaceans (Canadas); environmental education can be effective in schools, marinas and on beaches to enhance Marine Protected Areas (Augustowski); education of local fishers and their involvement can enhance effectiveness of cetacean protection and management (Mowgli); and habitat modeling can enhance identification of priority areas for protection (Ridoux). David Matilla closed the session with an extensive discussion of SPLASH results to date: many questions are still unsolved, but the project was a research tour-de-force and a milestone for North Pacific humpback whale populations.

PRESENTATION TO HAWAII SECTION OF THE MARINE TECHNOLOGY SOCIETY  
23 June 2009 Honolulu

Purpose: (1) Update MTS members on upcoming activities at the Hawaiian Island Humpback Whale National Marine Sanctuary; (2) appeal to MTS membership for support and collaboration on research in and around the Sanctuary; and (3) discuss plans for public involvement in the upcoming Hawaiian Island Humpback Whale National Marine Sanctuary Management Plan Review.

Information about the Sanctuary is on the website:

<http://hawaiianhumpbackwhale.noaa.gov>

Research: Despite increases in the overall NOAA budget under the Obama administration, the Office of National Marine Sanctuaries is likely to continue to see actual funding levels of some 15-20% below requested levels at least through FY11. Consequently, the Sanctuary research effort will be hard-pressed to meet basic priorities. I mentioned that a way forward might be more research collaborations involving the Sanctuary, universities and private sector companies. I asked the MTS members to keep the Sanctuary in mind for future collaborations and to contribute ideas, results and technology to developing and on-going Sanctuary research endeavors.

MPR: I provided a general overview of the Management Plan Review process and discussed the plans for public input and involvement, starting with public scoping later this year (August/September). I mentioned the usual Big Issues that came from public comment during the last MPR, such as: additional species; changes in boundaries; use and exclusion (“zoning”); and enforcement. I appealed for the personal and professional participation of the MTS membership in the MPR process, and asked them to provide ideas and opinions throughout the process.

## Kaua'i Report (back to [Table of Contents](#))

James T. Yamamoto, Kaua'i Representative

Sanctuary Advisory Council

July 14, 2009

### *The Hawaiian Islands Humpback Whale National Marine Sanctuary*

#### **Accomplishments (Assistance):**

- Simulated Humpback Whale (Ocean) Count with Local Boy Scout Troops—

Ongoing conservation project with boy scout troops on Kaua'i. An introduction to marine and environmental conservation, scouts have done a couple of Saturdays of whale observations off the Kapa'a and Ahukini coastline, hitherto. They recorded whale behavior on-site and in a post-session discussion, scouts explained why a healthy ecosystem is important to animal life and why conservation. Boy scouts are known for this principle: "you leave the place cleaner than when you found it." First unit to undertake project was scout Troop 133, Kapa'a (United Church of Christ). Met with the scouts on February 10, 2009 at their meeting hall where the project was explained. On February 21 (Saturday) ten scouts and their parents observed and recorded whale behavior at the Kapa'a Scenic Lookout.

Lihu'e Troop 83 (Lihu'e Hongwanji) was the second unit to be introduced to this project. Preparatory meeting held on Wednesday, February 25, 2009 at their meeting hall in Kapaia. Outing took place on March 7, Saturday morning, on a wet, windy, and cold day at Ahukini Landing but the six scouts and five parents (11 total) stood firm and completed the project. Post session reiterated the project's objectives: conservation, respect for life, and keeping the environment clean of opala.

#### **Events Attended:**

- Ocean Count Training Sessions—

First training session for the 2009 Ocean Count season was held on January 21 at the Chiefess Kamakahelei Middle School's student hall. Jean gave a whale lecture, punctuated by numerous questions, and concluded with a whale movie. The assembly hall was packed with first time volunteers. Digital photos taken of the second Ocean Count training session at a meeting room of the County of Kaua'i in Lihu'e. Digital photos of the third training session were also taken (same site). Jean Souza, Sanctuary Coordinator, in charge.

- State Proclaimed Humpback Whale Month, February 2009—

Attended public lecture celebration, on February 18, in conjunction with the declared February Humpback Whale Month at the Koloa Public Library. Jean gave a whale essentials talk and then showed a movie to 70 people (turned away crowd). Shot some digital photos to document event.

Attended the next celebration of Humpback Whale Month at the Kapa‘a Public Library on February 24th. Shot digital photos to document event and the meeting room was crowded with 120 and numerous people turned away (due to overflow). Documented event with still photos. Jean Souza, Sanctuary Coordinator, in charge.

- Simulated SPLASH Boat Excursion—

Thirty-five Sanctuary volunteers rode an inflatable boat for three hours in the morning of March 3, 2009. SPLASH research protocols and a GPS unit were used in this whale-watch project. Several whale groups were hanging around but alas none of the animals provided the volunteers with assertive displays of anguish or exuberance. Blows, arching backs, lifted flukes were the extent of sightings. Caught one head slap or a full breach but only after the down splash. Am ready to take another ride on the Na Pali Explorer to see a spy hop a hundred yards away. Good, relaxing morning of boating, though, from the Port Allen Small Boat Harbor. Documented the event with an eight-minute video. Jean Souza, Sanctuary Coordinator, in charge.

- Kaua‘i Marine Mammal Stranding Training—

At the Kapa‘a Public Library and beach front on Saturday, March 14, 2009 from 9:30 a.m. - 4:30 p.m. Learned about procedures and protocol, mammal care, and transportation. Doctors West, Turner, Olry, McIlroy as well as Schofield, Souza, John Burger (PMRF), Jennifer Turner, Sabra Kauka (Hawaiian Practitioner), and Whitney White (HPU) were knowledgeable, engaged, and energetic presenters. Besides being a participant, I was also able to take and complete an 11-minute video of the activities as means of documentation. Copies distributed to the organizers.

- Kilauea Point Lighthouse Fundraiser Kickoff —

Thursday, April 9 from 5 p.m. to 5:30 p.m. showed up in support of the Kilauea Point Natural History Association’s drive to restore the lighthouse and surrounding buildings at this National Wildlife Refuge. Next, left for Princeville and the bike path meeting.

- Kaua‘i North Shore Bike Path Meeting, Princeville Club House —

Attended this meeting, Thursday, April 9, from 6 to 8 p.m. in Princeville as the Kaua‘i Sanctuary might have an interest in placing Humpback Whale signs along the pathway. Sat next to Leonard Rapozo, Kaua‘i’s new Director of Parks and Recreation (Kaua‘i County). He is a former student in my classes at Kaua‘i High. He is also the final arbiter in the placement of signs along the coastal paths of this island and we are on very good terms at this point in time and there is no reason to think otherwise in the years to come.

- Aloha ‘Aina Workshop —

Attended the Aloha ‘Aina Workshop on Saturday, April 25, 2009 at the Hanalei School cafetorium from 8:30 a.m. to 4:30 p.m. Welcome by Herb Lee, Jr., President of The Pacific American Foundation (629 Kailua Road, Kailua, HI 96734). HHHWNMS is a part-sponsor of this project. Jean Souza and Patty Miller were also in attendance. To view highlights of this whole-

day session, ask for the short 10-minute DVD video taken and burned by this participant (Herb Lee's approval to video tape proceedings granted).

### **Community Concerns:**

- Green Turtle Strikes —

On May 13, a large Green Turtle beached and was rescued by the Navy and APHIS/Wildlife Services on PMRF grounds in Mana. Turtle appears to have been struck by propeller blades. Leading the rescue was John Burger, an Ocean Count site leader and PMRF's Environmental Coordinator. Hours of medical work was done by Dr. Bob Morris and Fisheries Services' George Balazs on O'ahu.

Kaua'i Programs Coordinator, Jean Souza, reported a citizen's call of a dead turtle in Hanapepe. Don Heacock of DLNR and Jean located a large Green Sea Turtle (age about 50) cut most likely by propeller blades. Decayed carcass buried by County workers.

Is there a way of preventing propeller strikes? John Burger is investigating some design options.

- Monk Seal Deaths —

A four year old male Hawaiian Monk Seal was killed on April 9 on the westside of Kaua'i. Then, on May 21 a pregnant Monk Seal (RK06) was found dead in the surf on the North Shore. Both are recorded as deaths by "foul play." The Surfrider Foundation has a reward going and it is up to \$8,000 at this point in time. Seems to be a conflict between local fishing/access concerns and critical habitat designations.

Currently, I am doing pup sitting (Hawaiian Monk Seal Conservation Hui) twice a week, three hour segments each, on the North Shore at Larson's Beach where two pups have been born along this same beach area a week or so apart. A busy time, indeed, for Hui volunteers.

## Hawaiian Islands Humpback Whale National Marine Sanctuary Maui County Report to the Sanctuary Advisory Council

June 30, 2009

### Activities (back to [Table of Contents](#))

March 30 – April 1: Participated several days in the Sanctuary's *First International Conference on Marine Mammal Protected Areas* held in Wailea, which provided an excellent opportunity to learn more about current research and latest efforts to protect mammals by a dedicated group of representatives from around the world.

April 13: Attended the opening dedication of the Kihei Sanctuary's new Multipurpose Facility; and am facilitating new partnerships between local environmental organizations and the Sanctuary to utilize the facility for educational lectures.

May 14: Attended the Senate's informational briefing by experts on shark feeding in relation to commercial tours at the State Capitol. Met with Naomi McIntosh afterwards to discuss Sanctuary programs and outreach efforts related to monk seals.

June 23: Previewed the first screening on Maui of *A Sea Change*, a new film that informs people of impending impacts to marine organizations due to ocean acidification, and provides some compelling reasons to take action on climate change for our future generations. A recommendation was made for the NMS to obtain a copy of this film to further public engagement with this issue.

Ongoing: Continued participation as a member of the Maui Nui Marine Resource Council, which meets monthly to address concerns pertaining to marine life and to advocate for public policy that protects and fosters sustainable use of ocean resources. Current efforts include providing a response supportive of DAR's Regulated Species Rules; input to the Maui Island Plan and newly designated Urban Growth Boundary Maps as they pertain to impacts on reefs, especially at Olowalu; and support for a campaign to further awareness of negative impacts of aquarium collecting for commercial trade.

### Water Quality

Ocean water quality issues have become a hot issue on Maui, in particular the use of injection wells which are used in Lahaina, Kihei and Kahului, where marine studies have shown the nutrient-rich effluent has a negative impact on near shore coral reefs by feeding algae blooms. A coalition called *DIRE: Don't Inject – Redirect* has formed to promote public awareness, petition EPA for stricter water quality controls, and to advocate for reuse of treated wastewater for irrigation on land.

Conservation Committee Report (back to [Table of Contents](#))  
Lou Herman, Chair

For SAC meeting of July 14, 2009

The Conservation and Research Committees held joint conference calls on March 18, April 17, and July 1, 2009. These are summarized below. The full minutes of each are available through Christine Brammer or Joseph Paulin.

**March 18, 2009 call.**

Dave Matilla reported that ship strikes thus far in the 2009 season were down from previous years (only two were reported) but entanglements were up. Most entanglements are from fishing gear picked up in Alaskan waters, though some have been traced to Hawaii gear. Analysis of entanglement incidence is being studied in New England waters through scarring patterns on the animals.

Kona Blue's plans to enlarge and relocate their project further north were discussed. Fouling, debris, and fish escapes were becoming a problem. Dolphins also frequent the cage areas. Subsequent to the conference call, Mike Stanton forwarded a clarification from Dale Sarver stating that Kona Blue would remain at its present site but combine and enlarge cages and place them at shallower depth to better accommodate divers servicing the cages.

**Action Item. Aquaculture Working Group continue to monitor these developments**

With regard to the SuperFerry, the question was raised (rhetorically) as to why cruise ships, tugs and barges, and other ferries (e.g., Lanai ferry) weren't required to carry out environmental assessments.

**April 17, 2009 call.**

This call was focused on the Hawaiian spinner dolphin issue and the possible impacts of "dolphin watching." Marc Lammers gave a briefing on his studies of the spinners inhabiting the west coast of Oahu. He expressed concern that the continuation of the current level of pressure on the population through dolphin watching could lead to population effects, such as changes in habitat use. He noted that there was a correlation between increases in boat traffic and decreases in the numbers of animals. NOAA fisheries seems stalled as they try to determine how to move forward with regulations.

Adam Pack gave a briefing on his spinner dolphin research along west Oahu. He stated that he has never seen an enforcement presence there.

**Action Item. It was suggested that a spinner dolphin-working group be formed to include tour boat operators in order to develop guidelines or changes in operations.**



**July 1, 2009 call.**

Dave Matilla reported on his attendance at the recent IWC meeting in June, where he focused on ship strikes, entanglements, and environmental issues. Japanese whaling is still a major issue. Japan has proposed to cease whaling in the Antarctic if permitted to resume Minke whaling along the coasts of Japan. However, that stock of Minke whales is considered at risk.

Greenland had requested permission to take ten humpback whales under aboriginal subsistence hunting. The IWC deferred a decision on that request and appointed a scientific committee to gather further data on the request.

David reported that the use of scar photos in the Gulf of Maine has yielded estimates of death due to entanglement orders of magnitude above previous estimates. Ed Lyman reported that 40% of whales entangled in Hawaii are traced back to Alaska.

The IWC has proposed an international database on ship strikes. There is concern, however, that the database will not have accurate information without some type of vetting process.

Studies on the East coast showed that ambient noise impacted North Atlantic right whales by masking their vocal communication.

Finally, the Committee noted the growing tension between fishermen and conservation plans for the monk seal, fueled in part by a lot of misinformation.

**Action Item: Should the SAC consider forming a monk seal working group?**

**Other Conservation actions:**

Lou Herman forwarded a message forwarded a statement from House Natural Resources Committee Chairman Nick J. Rahall (D-WV) that the Obama administration sent a message in advance of the IWC meeting that America remains opposed to commercial whaling in all its forms.

Additionally forwarded was an interesting report of the use of sedation to enable removal of entangled gear from a North Atlantic right whale.

Report of the Chair of the Research Committee to the Hawaiian Islands Humpback Whale  
National Marine Sanctuary Advisory Council

(back to [Table of Contents](#))

Adam A. Pack, Ph.D.

For July 14, 2009 Sanctuary Advisory Council (SAC) Meeting

This report contains a brief summary of events, issues and accomplishments related to research since the SAC meeting on February 3, 2009

*Joint Research/Conservation Committee Conference Calls:* Since the SAC meeting on February 3, 2009, the research and conservation committees have been working together and communicating often. There were three joint conference calls held 3/18, 4/17, 7/1. Five, five, and seven SAC members respectively attended these calls. Many topics were discussed during these conference calls including a) updates on ship strikes and entanglements during the 2009 season, b) fish farming within the HIHWNMS, c) the first International Conference on Marine Mammal Protected Areas, d) issues related to human interactions with Hawaiian spinner dolphins, e) briefings on meetings of the International Whaling Commission, f) updates on alternative forms of energy production and their impact on Sanctuary resources (e.g., ocean-based windfarms or wave energy projects). Summaries of these calls are available from Chris Brammer. The following summarizes the key actions resulting from these discussions as well as from the SAC's meeting on February 3, 2009. At the Feb. 3 meeting, research chair alternate Marc Lammers made a motion which was carried by the SAC majority that the SAC send a letter concurring with the recommendation of the Draft Statewide Large Capacity Ferry Environmental Impact Statement that the Hawaii Superferry maintains speeds of 25 kn or less when routing through Sanctuary waters, and that the ferry continue to avoid passage through Sanctuary waters except for reasons of passenger safety. This letter was prepared and submitted by the SAC chair to Michael Formby, Deputy Director of DLNR and to Katherine Kealoha, Director, Office of Environmental Control. At the April 17 joint committee conference call, the committee asked Adam Pack and Marc Lammers to work on drafting a letter related to the issues of impacts on spinner dolphins from human interactions including the need for financial support for research to gather data needed to assess impacts. Adam and Marc continue to work on this matter.

*Summary of Whale-vessel contacts (i.e., ship strikes) and Entanglements for 2009 season.* In the late spring of 2009, the SAC research committee chair requested from the Sanctuary a report on the number of whale-vessel contacts and entanglements reported and confirmed for humpbacks wintering in the Hawaiian Islands during the 2009 season (approximately November 2008 – May 2009). Attachment 1 is a comprehensive report provided by Ed Lyman. The key data are as follows:

- Whale-vessel contacts. The HIHWNMS received 13 reports of whale-vessel contact during the 2009 season. Of these, 8 incidents of whale-vessel contact were confirmed. All occurred within Sanctuary waters. Three incidents involved

signs of injury. Four reports involved whales making contact with nearly stationary vessels. In accordance with past reports (see e.g., Lammers, Pack & Davis, 2003), Maui had the most confirmed incidents (N = 5) of whale-vessel contacts. Also, the majority of incidents (50%) involved calves or sub-adults.

- Whale entanglements. The HIHWNMS received reports of 25 incidents of whale entanglements 19 of which were confirmed. These 19 incidents represented as many as 8 humpback whales. Six of the 8 whales were initially sighted within Sanctuary waters and the majority of initial sightings were in the four-island region. In our last joint committee conference call, Ed Lyman indicated that for the total entanglements from Hawaii in which the gear was retrieved approximately 40% involved fisheries gear traced by to Alaskan waters.

Research priorities of the HIHWNMS. On a previous executive committee conference call, SAC chair Bill Friedl requested that Adam Pack and David Mattila talk about research priorities and activities of the HIHWNMS. Adam contacted David on July 2, 2009 and spoke about research priorities for the Sanctuary as well as the funding situation. David is pursuing several priorities. Because of the lack of direct funds for the HIHWNMS to conduct research, all of the priorities involve partnering with other entities/agencies and seeking outside funding. The priorities were as follows:

- Continuing in assessments of humpback whale health and human impacts. This includes working with fisheries and the marine mammal health and stranding program and other researchers (e.g., Jooke Robbins and Center for Coastal Studies). For example, at the recent meeting of the International Whaling Commission, a paper lead by Jooke Robbins reported the development of a new method for calculating whale mortality due to entanglement based on data from humpback whales in the Gulf of Maine. Robbins found 3% mortality in a population of 900 due to entanglements. This is one order of magnitude larger than what is currently reported. Importantly, this methodology may be used in the future with the SPLASH data to get estimates of mortality due to entanglement for North Pacific humpback whales.
- Assessing the current distribution of humpback whales in the Hawaiian Islands through aerial surveys combined with passive acoustic monitoring. With the SPLASH data estimating the current population of humpbacks visiting Hawaii at about 10,000 whales, there is a need for updated data on the distribution of humpbacks within the Hawaiian Islands. Current data on whale distribution are from aerial surveys conducted prior to 2001 (Moble et al., 2001). New aerial surveys are needed to reveal how the increase in humpback whale abundance is distributed throughout the islands and whether Sanctuary boundaries continue to be adequate to protect the majority of humpbacks in Hawaiian waters. David recommended combining aerial surveys with passive acoustics (e.g., a series of passive acoustic recorders across the island chain) to examine if some derivative of overall singing by humpbacks can be used to generate a function to estimate whale density. Presumably, this would allow for future monitoring of density changes through passive acoustics alone.
- Seeking funds for analysis of SPLASH data. David continues to seek funds for SPLASH analyses including full analysis of genetic data. With regard to the SPLASH data, there is going to be a one-day workshop on SPLASH results at

the October conference on the Biology of Marine Mammals in Quebec. David is helping to coordinate this effort.

Participating in meetings of the International Whaling Commission (IWC). David regularly attends meetings of the IWC and provided an excellent comprehensive report on relevant issues to the HIHWNMS at the July 1 conference call of the research and conservation committees. David is putting together a workshop on whale entanglements for the IWC as well as participating on a review panel for the IWC's international ship strike database. With regard to the ship strike database, David can provide valuable information based on experiences in the HIHWNMS on ship strikes to insure that reports for the IWC's database are accurate and that information is vetted appropriately.

Promoting information exchanges with relevant entities outside Hawaii. David wanted to emphasize that Hawaii is at the cutting edge of many issues related to humpbacks on their wintering grounds, but that we can also learn a lot from other things regarding humpbacks and their marine habitat from around the world.

*Other. The Chair of the Research Committee attended the following meetings and/or participated in the following events.*

Feb. 13-15, 2009. Adam Pack participated at Whale Quest in Kapalua Maui, a meeting that brings together interested parties on humpback whales and other marine mammals. Adam gave a research presentation on the relation of body size to behavior and reproduction in humpback whales.

Mar 29-Apr 3, 2009. Adam attended a portion of the First International Conference on Marine Mammal Protected Areas held in Wailea, Maui. Adam was impressed with successful efforts in other countries to re-establish boundaries of protected areas for different species (e.g., vaquita and Hector's dolphin) based on changes in the understanding of habitat use. Possibly, these examples may be helpful in any attempt to expand Sanctuary boundaries in the HIHWNMS in accordance with changes in the distribution of humpback whales.

March, 2009. Adam provided formal review for a draft of the State of the Sanctuary report for the HIHWNMS.

June 10-14, 2009. Adam attended the inaugural Blue Oceans Film Festival in Savannah, GA. Among other events, Adam attended a presentation on ocean acidification. Adam has requested powerpoint slides from the presenter to brief the SAC on this issue. Adam also had an opportunity to interface with head of the National Marine Sanctuary's Dan Basta who attended the meetings.

*New Research Articles.* The following are some recent research reports that SAC members may be interested in.

Benoit-Bird, K.J. and W.W.L. Au (2009): Cooperative prey herding by the pelagic dolphin, *Stenella longirostris*. The Journal of the Acoustical Society of America 125(1): 125-137.

MacLeod, C.D. 2009. Global climate change, range changes and potential implications for the conservation of marine cetaceans: a review and synthesis. Endangered Species Research. 7: 125-136.

Clapham, P., Mikhalev, Yu., Franklin, W., Paton, D., Baker, C.S., Ivashchenko, Y.V. & Brownell, R.L. Jr. 2009. Catches of humpback whales by the Soviet Union and other nations in the Southern Ocean, 1947-1973. Marine Fisheries Review 71: 39-43.

## **Aquaculture Working Group Update, June 2009.** (back to [Table of Contents](#))

Kona Blue Water Farms ( Kona Blue ) have requested permission to reduce the number of their fish pens, while increasing the overall size of each pen located off Unualoha Point. DLNR have published a finding of No Significant Impact on that supplemental assessment request.

DAR have requested Kona Blue to provide a protocol for notifying DLNR regarding :

- i) substantial escape from the pens
- ii) unusual or significant disease outbreaks
- iii) inclusion of a shark management plan ( how do you manage sharks ? )
- iv) request for documentation in parasite levels in wild kahala around the pens
- v) addition of 2 species listed in the management plan but not in the draft assessment
- vi) concern with water monitoring reports